Originēs Eccleſiaſticæ:

OR, THE

ANTIQUITIES

OF THE

Chriſtian Church.

VOL. VII.

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Origines Eccleſiaſticæ:

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Chriſtian Church.

VOL. VII.

Giving an Account of the UNITY and DISCIPLINE of the Ancient Church.

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Origines Ecclesiasticæ:

OR, THE

ANTIQUITIES

OF THE

Christian Church.

BRITISH MUSEUM

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Advertiſement.

THE Author can now give his Readers the Satisfaction to acquaint them, that he hopes in Two Volumes more, by the latter end of the next Year, to finiſh this Work, and add a *General Index* to the Whole.

THE

THE ANTIQUITIES OF THE Christian Church.

BOOK XVI.

Of the UNITY and DISCIPLINE of the Ancient CHURCH.

CHAP. I.

Of the Union and Communion observed in the Ancient Church.

Sect. 1. *Of the Fundamental Unity of Faith and Obedience to the Laws of Christ.*

THE Design of Ecclesiastical Discipline being chiefly to preserve the Unity of the Church in all necessary Things, and keep it in Purity, and free from Corruption, by turning out unworthy Members from her Society and Communion, and denying them all the Privileges that belong to it; Nothing will be more proper to usher in a Discourse concerning the Discipline of the ancient Church, than first to give a preliminary Account of that Union and Communion, which she

laboured to preſerve in all her Members united in One Myſtical Body under CHRIST her Univerſal Head. And here firſt of all, the Unity of Faith was principally inſiſted on, as the Foundation on which all other Sorts of Chriſtian Unity were built: And next to this, they required the Unity of Holineſs or Obedience, that the Church might be One in obſerving all the Laws and Inſtitutions of CHRIST. Some reckon the firſt Sort of Unity Fundamental and Eſſential [*a*] to the very Being of the Church, and all others only neceſſary to the Well-being of it. But I conceive the Ancients [*b*] accounted both the Unity of Faith and Obedience neceſſary as Fundamentals to the very Being of the Church, being both joyned together by our Saviour, as the Rock on which his Church ſhould be built. For, as he ſays of Faith, *Upon this Rock will I build my Church, and the Gates of Hell ſhall not prevail againſt it*, Matth. xvi. 18. ſo he ſays of Obedience to his Laws, *Whoſoever heareth theſe Sayings of mine, and doth them, I will liken him to a wiſe Man, which built his Houſe upon a Rock: and the Rain deſcended, and the Floods came, and the Winds blew, and beat upon that Houſe: and it fell not, for it was founded upon a Rock. But every one that heareth theſe Sayings of mine, and doth them not, ſhall be likened unto a fooliſh Man, which built his Houſe upon the Sand: and the Rain deſcended, and the Floods came, and the Winds blew, and beat upon that Houſe, and it fell, and great was the Fall of it*, Matth. vii. 24. St. *Luke* in relating the ſame Paſſage, words it thus: *He that heareth, and doth not, is like a Man that without a Foundation built an Houſe upon the Earth, againſt which the Stream did beat vehemently, and immediately it fell, and the Ruin of that Houſe*

[*a*] Claget of *Church Unity*. p. 196. [*b*] *Vide* Aug. de Unit. Eccleſ. cap. 21.

Houſe was great, Luke vi. 49. So that Obedience, as well as Faith, is Part of that Foundation upon which the Church of CHRIST is built: And he that retains not the Unity of Obedience, wants an eſſential Part of its Foundation, and is not a real, living Member of CHRIST's Myſtical Body; but only a broken, or a withered Branch of it. In regard to which, our Saviour ſays in another Place, *Whoſoever ſhall break one of theſe leaſt Commandments, and ſhall teach Men ſo; he ſhall be called leaſt in the Kingdom of Heaven*, Matth. v. 19.

UPON this Account, when he ſent his Apoſtles to teach all Nations, he enjoyned them two Things, Firſt, *To baptize them in the Name*, or Faith *of the Father, and of the Son, and of the Holy Ghoſt*: And Secondly, *To teach them to obſerve all Things whatſoever he had commanded them*, Matth. xxviii. 20. And for the ſame Reaſon the ancient Church never admitted any Perſons to Baptiſm (which was the ordinary Door of admitting Proſelytes, and uniting them as Members to the Body of the Church) without firſt obliging them to do theſe two Things: *1ſt*, To make Profeſſion of the primary Articles of the Chriſtian Faith; And *2dly*, To promiſe, or bind themſelves by a ſtrict Engagement and Vow, to live in holy Obedience to the Laws and Inſtitutions of CHRIST. As I have fully ſhewed in a former Book [*], treating of the neceſſary Conditions required of Men before their Baptiſm. Where I have particularly remarked out of St. *Auſtin*, That he wrote that excellent Book, *De Fide & Operibus*, to ſhew the Neceſſity of Obedience and Good Works, as well as Faith, to the Being of a Chriſtian: againſt ſome who pretended, That the Pro-

[*] Book II. Chap. 7. n. 6.

feſſion of Faith in CHRIST, and not the Profeſſion of Obedience to his Laws, was neceſſarily to be required of Men, in order to unite them as Chriſtians to the Body of the Church by Baptiſm. They ſaid, Men were to be baptized, and united to the Church, ſo long as they kept the Foundation of Faith entire, whatever wicked Works they built thereupon: For theſe would be purged away by certain Puniſhments of Fire, and they would obtain Salvation at the laſt by Virtue of the Foundation, which they retained. To which St. *Auſtin* replies, That this was a falſe Interpretation of the Apoſtle's Meaning; and that however theſe Men were ſo impudent, as to charge the Church's Practice with Novelty; yet it was always a firm Cuſtom obtaining in the Church, to reject profeſs'd Workers of Iniquity from Baptiſm, and conſtantly refuſe them the Communion of the Church: And this was grounded upon the Rules of ancient Truth, which manifeſtly declared, That they which do ſuch Things, ſhall not inherit the Kingdom of GOD. Since therefore both Faith and Obedience were reckoned eſſentially neceſſary to Baptiſm, they muſt be concluded equally neceſſary to preſerve Men in the real and perfect Unity of the Church; unleſs we could ſuppoſe, that any thing was neceſſary to make a Man a Chriſtian, that was not neceſſary to make or keep him a Member of the Church.

IF it be now enquired, What Articles of Faith, and what Points of Practice were reckoned thus Fundamental, or Eſſential to the very Being of a Chriſtian, and the Union of many Chriſtians into one Body or Church: The Ancients are very plain in Reſolving this. For as to Fundamental Articles of Faith, the Church had them always collected or ſummed up out of Scripture in her Creeds, the

the Profeſſion of which were ever eſteemed both neceſſary on the one hand, and ſufficient on the other, in order to the Admiſſion of Members into the Church by Baptiſm; and conſequently both neceſſary and ſufficient to keep Men in the Unity of the Church, ſo far as concerns the Unity of Faith generally required of all Chriſtians, to make them one Body and one Church of Believers. Upon this Account, as I have had Occaſion to ſhew in a former [*] Book, the *Creed* was commonly called by the Ancients the Κανὼν and *Regula Fidei*, becauſe it was the known Standard or Rule of Faith, by which Orthodoxy and Hereſy were judged and examined. If a Man adhered to this Rule, he was deemed an Orthodox Chriſtian, and in the Union of the Catholick Faith: But if he deviated from it in any Point, he was eſteemed as one that had cut himſelf off, and ſeparated from the Communion of the Church, by entertaining heretical Opinions, and deſerting the Common Faith. Thus the Fathers in the Council of *Antioch* [*b*], charge *Paulus Samoſatenſis* with departing from the Rule or Canon, meaning the *Creed*, the Rule of Faith, becauſe he denied the Divinity of Chriſt. *Irenæus* [*c*] calls it the unalterable Canon or Rule of Faith. And ſays [*d*], This Faith was the ſame in all the World; Men profeſſed it with one Heart and one Soul: For though there were different Dialects in the World, yet the Power of the Faith was one and the ſame. The Churches in *Germany* had no other Faith or Tradition, than thoſe in *Spain*, or in *France*, or in the *Eaſt*, or *Egypt*, or *Libya*. Nor did the moſt

[*] Book X. Chap. 3. n. 2. [*b*] Epiſt. Conc. Ant. ap. Euſeb. Lib. 7. c. 30. [*c*] Iren. Lib. 1. cap. 1. p. 44. [*d*] Ibid. cap. 3.

Eloquent Ruler of the Church, ſay any more than this: For no One was above his Maſter: Nor the weakeſt diminiſh any Thing of this Tradition. For the Faith being one and the ſame, he that ſaid moſt of it, could not inlarge it; nor he that ſaid leaſt, take any thing from it. So *Tertullian* [*e*] ſays, There is one Rule of Faith only, which admits of no Change or Alteration, *That which teaches us to believe in One God Almighty, the Maker of the World, and in Jeſus Chriſt his Son*, &c. This Rule, he ſays [*f*], was inſtituted by CHRIST Himſelf, and there were no Diſputes in the Church about it, but ſuch as Hereticks brought in, or ſuch as made Hereticks. To know nothing beyond this, was to know all Things. This Faith [*g*] was the Rule of Believing from the Beginning of the Goſpel, and the Antiquity of it was ſufficiently demonſtrated by the Novelty of Hereſies, which were but of Yeſterdays ſtanding in Compariſon of it. *Cyprian* ſays [*h*], it was the Law which the whole Catholick Church held, and that the *Novatians* themſelves baptized into the ſame *Creed*, though they differed about the Senſe of the Article relating to the Church. Therefore *Novatian* in his Book of the Trinity [*i*] makes no Scruple to give the *Creed* the ſame Name, *Regula Veritatis*, the Rule of Truth. And St. *Jerom* [*k*] after the ſame manner, diſputing againſt the Errors of the *Montaniſts*, ſays, The firſt Thing they differed about, was the Rule of Faith. For the Church believed the Father, Son and Holy Ghoſt to

[*e*] Tertul. de Veland. Virgin. cap. 1. [*f*] Idem. de Præſcript. adverſ. Hæreticos. cap. 13. [*g*] Idem. cont. Prax. cap. 2. [*h*] Cypr. Ep. 69. al. 76. ad Magnum. p. 183.
[*i*] Novatian. de Trinit. cap. 1. & 9. [*k*] Hieron. Ep. 54. ad Marcellam.

to be each diſtinct in his own Perſon, though united in Subſtance: But the *Montaniſts* following the Doctrine of *Sabellius*, contracted the Trinity into One Perſon. From all which it is evident, That the Fundamental Articles of Faith were thoſe which the Primitive Church ſummed up in her *Creeds*, in the Profeſſion of which ſhe admitted Men as Members into the Unity of Her Body by Baptiſm; and if any deſerted or corrupted this Faith, they were no longer reputed Chriſtians, but Hereticks, who brake the Unity of the Church by breaking the Unity of the Faith, though they had otherwiſe made no farther Separation from her Communion. For as *Clement Alexandrinus* [*l*] ſays out of *Hermes Paſtor*, Faith is the Vertue that binds and unites the Church together. Whence *Hegeſippus* the Ancient Hiſtorian, giving an Acount of the old Hereticks, ſays [*m*], They divided the Unity of the Church by pernicious Speeches againſt GOD and His CHRIST: That is, by denying ſome of the Prime, Fundamental Articles of Faith. He that makes a Breach upon any one of theſe, cannot maintain the Unity of the Church, nor his own Character as a Chriſtian. We ought therefore, ſays *Cyprian* [*n*], in all Things to hold the Unity of the Catholick Church, and not to yield in any Thing to the Enemies of Faith and

[*l*] Clem. Strom. Lib. 2. p. 458. Edit. Oxon. Ἡ συνέχουσα τὴν ἐκκλησίαν ἀρετὴ, ἡ πίστις ὅτι. Hermes Paſtor. Lib. 1. Viſion. 3. cap. 8. Prima earum, quæ Turrim, (nempe Eccleſiam) continet manu, Fides vocatur: per hanc ſalvi fiunt Electi Dei. &c. [*m*] Hegeſip. ap. Euſeb. Lib. 4. cap. 22. Ἔμεισαν τὴν ἕνωσιν τῆς ἐκκλησίας φθοερμαίοις λόγοις κατὰ τὸ Θεῖ, &c.

[*n*] Cypr. Ep. 71. ad Quintum. p. 194. Per omnia debemus Eccleſiæ Catholicæ Unitatem tenere, nec in aliquo Fidei & Veritatis hoſtibus cedere.

Truth. For he cannot [o] be thought a Chriſtian, who continues not in the Truth of CHRIST's Goſpel and Faith. If Men be Hereticks, ſays *Tertullian* [p], they cannot be Chriſtians. The like is ſaid by *Lactantius*, and *Jerom*, and *Athanaſius*, and *Hilary*, and many Others of the Ancients, whoſe Senſe upon this Matter I have fully repreſented [*] in another Place. As therefore there was an Unity of Faith, neceſſary to be maintained in certain Fundamental Articles in order to make a Man a Chriſtian: So theſe Articles were always to be found in the Churches *Creeds*; the Profeſſion of which was eſteemed keeping the Unity of the Faith; and deviating in any Point from them, was eſteemed a Breach of that One Faith, and a virtual departing from the Unity of the Church.

As to the other Points of Obedience to the Laws and Inſtitutions of CHRIST, which were reckoned Fundamental and Eſſential to the Being of a Chriſtian and the Unity of the Church, they were generally ſummed up in thoſe ſhort Forms of *Renouncing the Devil and his Service, and his Works, and Covenanting with Chriſt to live by the Rules of his Goſpel.* By which they underſtood the renouncing all groſs Sins, ſuch as Idolatry, Witchcraft, Murder, Injuſtice, Intemperance, Uncleanneſs, and whatever might be called worldly and fleſhly Luſts, contrary to the general Tenour of the Goſpel, and the Grace of GOD which had appeared unto all Men, teaching us, *That denying Ungodli-*

[o] Cypr. de Unit. Eccleſ. p. 114. Nec Chriſtianus videri poteſt, qui non permanet in Evangelii ejus & Fidei veritate.

[p] Tertul. de Præſcript. cap. 37. Si Hæretici ſunt, Chriſtiani eſſe non poſſunt. [*] Book I. Chap. 3. n. 4.

Ungodlineſs and worldly Luſts, we ſhould live ſoberly, righteouſly, and godly in this preſent World. They that walked after this Rule, and ſquared their Lives by theſe general Meaſures and Lines of Duty; *adding to their Faith Vertue, and to Vertue Knowledge, and to Knowledge Temperance, and to Temperance Patience, and to Patience Godlineſs, and to Godlineſs Brotherly-kindneſs, and to Brotherly-kindneſs Charity*; theſe were the true *Iſrael* of GOD, and in the perfect Unity of his Church: As long as they did theſe Things, they could never fall: Nothing could ſeparate them from His Church, or from the Love of GOD in CHRIST JESUS: *For ſo an Entrance was miniſtred to them abundantly into the everlaſting Kingdom of our Lord and Saviour Jeſus Chriſt.* But if Men went contrary to this Rule, *Walking in the Works of the Fleſh, and not of the Spirit, profeſſing to know God, but in Works denying him*; though they might be corporeally and externally united to the Viſible Body of the Church, yet internally and ſpiritually they were divided from it. St. *Auſtin* [q] ſays expreſsly, That though Men were regenerated by Baptiſm, yet none but the Good were ſpiritually built up into the Body and Members of CHRIST: The Good only compoſe that Church, of which it is ſaid, *As the Lily among Thorns, ſo is my Love among the Daughters*, Cant. ii. 2. That Church conſiſts only of thoſe who build upon the Rock, that is, who hear the Words

[q] Aug. de Unit. Eccleſ. cap. 21. Nec regenerati ſpiritaliter in Corpus & Membra Chriſti coædificentur niſi boni: Profecto in bonis eſt illa Eccleſia, cui dicitur, Sicut Lilium in medio ſpinarum, ita proxima mea in medio filiarum. In his eſt enim qui ædificant ſuper Petram, id eſt, qui audiunt verba Chriſti, & faciunt.—Non eſt ergo in eis, qui ædificant ſuper arenam, id eſt, qui audiunt verba Chriſti, & non faciunt. &c.

Words of CHRIST, and do them. They therefore are not of that Church, who build upon the Sand, that is, who hear the Words of CHRIST, and do them not. And as they, who by the Ligaments of Charity are incorporated into the Building that is founded upon the Rock, and into the Lily that ſhines among Thorns, *ſhall inherit the Kingdom of God:* So they who build upon the Sand, and are numbred among the Thorns, ſhall as certainly not *inherit the Kingdom of God.* A little after [*r*] reciting thoſe Words of the Apoſtle, *Gal.* v. *The Works of the Fleſh are manifeſt, which are theſe, Adultery, Fornication, Uncleanneſs, Laſciviouſneſs, Idolatry, Witchcraft, Hatred, Variance, Emulations, Wrath, Strife, Seditions, Hereſies, Envyings, Murders, Drunkenneſs, Revellings, and ſuch like; of the which I tell you before, as I have alſo told you in Time paſt, that they which do ſuch Things, ſhall not inherit the Kingdom of God:* He adds, All thoſe are not in the Lily, nor upon the Rock, and Hereticks are in that Number. Again, ſpeaking of the Grace of the Spirit, which ſanctifies good Men, he ſays, This is wanting in all the Wicked, and Sons of Hell, although they be baptized [*s*] with the Baptiſm of CHRIST, as *Simon Magus* was baptized. There are many ſuch [*t*] who communicate in the Sacraments with the Church, and yet they are not now in the Church. Such are cut off, before they be viſibly Excommunicated: And if they be viſibly Excommunicated, and viſibly reſtored to Communion; if they come with a feigned Mind, and an

[*r*] Ibid. cap. 22. [*s*] Aug. ibid. cap. 23. Hoc deeſt omnibus malignis & Gehennæ filiis, etiamſi Chriſti baptiſmo baptizentur, ſicut Simon fuerat baptizatus. [*t*] Ibid. cap. 25. Multi tales ſunt in Sacramentorum communione cum Eccleſia, & tamen jam non ſunt in Eccleſia. &c.

an Heart oppoſing the Truth and the Church, they are not reconciled, they are not inſerted into the Church, although the Solemnity of Reconciliation be performed upon them. In another Place he ſays [*u*], The wicked Multitude of the Church are not reckoned to be in the Church, ſave only ſo far as they have the ſame Sacraments in common with the Saints, becauſe they have only a Form of Godlineſs, but deny the Power of it. He repeats the ſame frequently in his Books againſt *Creſconius* [*x*] and other Places, which it is needleſs here to repeat at Length. I only obſerve, That as Charity was reckoned one Eſſential Part of a Chriſtians Vertue: (Our Saviour having made it the Characteriſtick Note of his Diſciples: *By this ſhall all Men know that ye are my Diſciples, if ye have Love one for another*:) So the Ancients laid a great Streſs upon this one Vertue, without which they never reputed any Man to be truly in the Unity of the Church, whatever Claim he could otherwiſe lay to the Communion of it.

Sect. 2. *Of the Unity of Love and Charity, as an eſſential Part of Chriſtian Obedience.*

I do not think any Man, ſays St. *Auſtin* [*y*], ſo vain and fooliſh, as to believe ſuch an one to appertain to the Unity of the Church, who has not Charity. For St. *James* ſpeaking againſt thoſe, who thought it ſufficient to believe, but would not do Good Works, ſays, *Thou believeſt that there is One God; thou doſt*

[*u*] Aug. ibid. cap. 13. Sermo divinus redarguit impias turbas Eccleſiæ, quæ nec in Eccleſia deputantur, &c. [*x*] Aug. cont. Creſcon. Lib. 1. cap. 29. Lib. 2. cap. 15, 21, 33, 34. Qui cum ſint a bonis vita moribuſque ſpiritaliter ſeparati, corporaliter tamen eis in Eccleſia videntur eſſe premixti uſque in diem judicij. [*y*] Aug. cont. Creſcon. Lib. 1. cap. 29. Non autem exiſtimo quenquam ita deſipere, ut credat ad Eccleſiæ pertinere Unitatem eum, qui non habeat Charitatem, &c.

doſt well: *The Devils alſo believe and tremble.* Certainly the Devils are not in the Unity of the Church; and yet we cannot ſay, they believe otherwiſe of CHRIST than the Church believes, ſeeing they ſaid to the Lord JESUS CHRIST himſelf, *What have we to do with Thee, thou Son of God?* And St. *Paul* ſays, *Though I have all Faith, ſo that I could remove Mountains, and have not Charity, I am nothing.* They that are Enemies to this Brotherly Charity, ſays St. *Auſtin* again [z], whether they are openly out of the Church, or ſeem to be within, they are falſe Chriſtians, and Antichriſts. When they ſeem to be within, they are ſeparated from that inviſible Union or Bond of Charity. Whence St. *John* ſays of them, *They went out from us; but they were not of us.* He does not ſay, they were made Aliens by going out, but becauſe they were Aliens before, he declares, that therefore they went out. This Charity was neceſſary to incorporate Men into that Building [a], which was founded upon the Rock of Obedience, without which it could not ſtand: To uphold the Structure, Charity was required as a principal Part of the Foundation, whereupon the whole Building reſted, being fitly framed together, and united by Charity into One, as Members of the Myſtical Body of CHRIST.

Sect. 3.
Other Sorts of Unity, neceſſary to the Well-being of the Church.

AFTER this Manner the Ancients commonly diſcourſed of theſe Sorts of Unity, which I call Fundamental to the very Being of a Church; being ſo abſolutely neceſſary and eſſential, as that the Church

[z] Aug. de Bapt. Lib. 3. cap. 19. Hujus autem fraternæ charitatis inimici, ſive aperte foris ſint, ſive intus eſſe videantur, Pſeudo Chriſtiani ſunt & Antichriſti.—Cum intus videntur, ab illa inviſibili charitatis compage ſeparati ſunt. &c.

[a] *Vid.* Aug. de Unit. cap. 21. Compage Charitatis incorporati ſunt ædificio ſuper petram conſtituto.

Church could not consist without them. They were necessary to every Individual, and necessary in all Cases and Circumstances whatsoever: There being no Case, in which it was lawful to deny the Faith; nor any Case that could dispense with a Man's Obligations to Sobriety, Godliness, Righteousness, and Charity. There were other Sorts of Unity, necessary indeed to the Well-being of the Church, but yet not so absolutely essential, but that a Man in some extraordinary Cases and Circumstances might be incapacitated or hindred in the actual Performance of them, without incurring the Censure of breaking the Unity of the Church, or being wholly excluded out of her Communion. It is every Christian's Duty to unite himself to the Church by Baptism, and to receive it from the Hands of a regular Ministry; It is his Duty to joyn in Communion with the Church where he lives, and assemble with them for Worship and Prayers, and Administration of the Word and Sacraments, and all other holy Offices; It is his Duty to live under the Government of a Regular and Lawful Ministry, and submit himself to all the Rules of the Church in Worship and Discipline, that are not contrary or repugnant to the Word of GOD: But then it may happen, that a Man cannot have Baptism, though he be never so desirous of it; sudden Death may prevent him, whilst he is seriously preparing for it. In this Case, the Church did not deny him her Communion, though he was never formally entred into it, but accepted the Will for the Deed, and treated him after Death as one of her Sons dying in her Bosom and Communion. Which was the Case of many Martyrs, and others dying without Baptism, not out of Contempt, but by the Exigence of some unforeseen Accident preventing them. So again, It might happen, that

a Man in Extremity, when he was desirous of Baptism, could not have it but from the Hands of an Heretick, or a Layman. In this Case, the Church was equally favourable to the Party so baptized, because he was united in Heart and Will to the Church, and it was not Contempt of her Ministry, but Necessity that drove him to receive Baptism from an Heretick or a Layman, rather than die without it. In like Manner, a Man that was very desirous to joyn with the Church in her publick Assemblies, might notwithstanding by some great Exigence be debarred from this Privilege, as by Sickness, or Imprisonment, or Banishment: In which Case he was not divided from the Communion of the Church in Worship or Prayers; but his Spirit was still present in her religious Assemblies, though Necessity obliged him in Body to be absent from them. Or if it were but the Care of the Indigent, that required his Help, and kept him away from the solemn Meeting in GOD's House, his Reason was good, and such an Act was no Breach of Christian Unity, because GOD himself allows it; nay, requires it by his own Rule, *I will have Mercy, and not Sacrifice:* Which in such Cases, where Men act sincerely, and trifle not with GOD, is always their Justification both before GOD and his Church. It was farther required, That Men should comply with all the innocent Customs, and lawful Orders of the Church; and especially submit to her Discipline in Case of any scandalous Transgression or Immorality: But if Men by reason of Sickness, or Infirmity, or Old-Age, could not observe her Rules about Fasting; or by reason of their Poverty could not abstain from their ordinary Labour to attend her Festivals; these were not reckoned Transgressions of her Rules, or good Order, because they naturally admitted of such Limitations and Exceptions: And no Man was accused

cuſed as a Divider of the Church's Unity for going againſt her Cuſtoms in ſuch Caſes. So though it was required, that Penitents under Diſcipline ſhould be reconciled to the Church by Impoſition of Hands and Abſolution; yet if any real Penitent, who was deſirous of Abſolution, happened to be ſtruck dumb, or die before he could receive it; this was reckoned no Prejudice to his Condition: In this Caſe, his Good-will, and Deſire, and Intention of being reconciled, was reputed ſufficient to reſtore him to the Peace and Unity of the Church, though he wanted the Formality of an external Abſolution.

THIS was the great Difference between thoſe Sorts of Unity, which were reckoned fundamental, and eſſential to the very Being of a Church, and thoſe which were required as neceſſary to the Well-being of it: The former admitted of no Diſpenſations; but the latter did in theſe and the like Caſes. No Caſe could diſpenſe with a Man's putting away a good Conſcience, or making Shipwreck of Faith: No Neceſſity could be ſo great as to juſtify a Man in denying an eſſential or fundamental Truth, or in living in open and profeſs'd Violation of thoſe neceſſary Rules and great Lines of Duty, which require the Practice of univerſal Holineſs in a godly, righteous, ſober Life, as the indiſpenſable Condition of Salvation: But ſeveral Neceſſities might diſpenſe with Men in the Non-obſervance of the Things of the latter Kind; and therefore it is of great Uſe carefully to diſtinguiſh theſe Things in ſpeaking of the Unity of the Church. As therefore I have ſpoken particularly of the Former, ſo I will now ſpeak a little more Diſtinctly of theſe latter, and ſhew how far the Ancients urged the neceſſity of them.

AND

Sect. 4.
Among these they reckoned, 1st The Necessary Use of One Baptism, Ordinarily to be administred by the Hands of a Regular Ministry.

AND here first of all they required, That Men should unite themselves to the Church by Baptism; and that administred but Once; and this also to be administred Ordinarily by the Hands of a Regular Ministry, except some urgent Necessity obliged them to do otherwise. The Necessity of Baptism they urged from the Tenor of the Commission given to the Apostles, *Go, baptize all Nations*: And from those Words of our Saviour, *John* iii. 5. *Except a Man be born of Water and the Spirit, he cannot enter into the Kingdom of God.* There were many Hereticks, who contemned the Use of Water-Baptism, as a Carnal Ordinance, and wholly denied the Necessity of it to Salvation in any Case whatsoever, of whom I have given a particular Account [*] in a former Book. Against these they urged the Necessity of Baptism in all Ordinary Cases, to make Men Members of the Church; and strenuously maintained, that Men who wilfully neglected or despised Baptism, could not by any other Means be united to the Church of CHRIST, or have any Grounds for Hope of Eternal Life; because they despised that Ordinance of CHRIST, which he had made the Regular and Ordinary Way of admitting Members into his Church, and refused to enter by that Door, which he had appointed to be the general Entrance to eternal Life. This Opinion of the Ancients concerning the Necessity of Baptism in all Ordinary Cases, maintained against those several Heresies, the Reader may find fully discoursed in a foregoing Part of this Work [†]; where I observed, That though

[*] Book II. Chap. 2. [†] Book X. Chap. 2. n. 19.

though they ſtrictly urged the Neceſſity of Baptiſm in order to make Men Members of the Church, and Sons of GOD; expreſſing themſelves ſeverely againſt all that either careleſsly neglected it, or prophanely deſpiſed it; yet they did not believe it to be ſo ſimply and abſolutely neceſſary as the Unity of Faith and Repentance: Becauſe they always maintained, that the bare Want of Baptiſm, where there was no Contempt, might be ſupplied by Martyrdom; where the exhibiting of Faith, and the greateſt Teſtimony of Obedience that could be given, was ſufficient to unite them to CHRIST and His Church in that Caſe, and grant them all the Privileges of Chriſtian Communion. And the like was determined concerning the Faith and Repentance of ſuch Catechumens, as were piouſly preparing for Baptiſm, but were ſnatched away by ſudden Death before they had any Opportunity to receive it. Which ſhews, that they put a manifeſt Difference between the Unity of Faith and Obedience, as Fundamental and Eſſential to the very Being of a Church, the Want of which nothing could ſupply; and the Unity of Baptiſm, which though Ordinarily neceſſary to the Well-being of the Church, yet was not ſo abſolutely neceſſary and Eſſential, but that the want of it might be ſupplied in ſome Caſes by Faith and Obedience; and by theſe a Martyr or a pious Catechumen might be preſumed to die in the Unity of the Church without Baptiſm, when they had no Opportunity to receive it.

THE *Form of Baptiſm* itſelf indeed, whenever it was adminiſtred, was a little more neceſſary, becauſe that implied a Profeſſion of Faith in the Holy Trinity, and Univerſal Obedience to the Laws of CHRIST; and therefore Baptiſm adminiſtred in any other Form was reputed Null and

Void even in the Church itſelf, and was of Neceſſity to be repeated: But then this Neceſſity did not riſe from the bare Neceſſity of Baptiſm (which might, as we have heard, be diſpenſed with in ſome Caſes) but from the Neceſſity of Faith and Obedience, preſuppoſed as antecedent Qualifications, Eſſential to the very Being of a Church and the Character of a Chriſtian in the largeſt Denomination. So that what made this ſo abſolutely neceſſary, was not the abſolute Neceſſity of Baptiſm itſelf, which might be diſpenſed with in ſome Extraordinary Caſes, where thoſe Qualifications were really in the Hearts of Men before Baptiſm: But it was the want of thoſe Qualifications, or at leaſt the Want of Profeſſing them in due Form, that made the Baptiſm Void; becauſe there was a ſtrong Preſumption, that they had not thoſe Qualifications that were Eſſential to the very Being of a Chriſtian, ſince no Profeſſion was made of them in their Baptiſm. For which Reaſon, whether it was given in the Church, or out of the Church, it was always to be repeated, as a Thing Null and Void, for Want of thoſe Qualifications of Faith and Obedience, which were ſo indiſpenſably required to make a Man a Chriſtian.

IT was Neceſſary alſo to the Unity of the Church in its Well-being, that Baptiſm ſhould Ordinarily be adminiſtred only by the Hands of a Regular Miniſtry: And therefore for either Lay-Men without a Commiſſion in the Church to uſurp this Authority, or for Hereticks and Schiſmaticks without the Church to aſſume this Power, was always eſteemed a great Breach of the Churches Unity. And though the Church did not always annull ſuch Baptiſms, if given in due Form of Words; yet ſhe always condemned the Thing as an

an Uſurpation, and an Act of Criminal Schiſm, and manifeſt Prevarication both in the Giver and Voluntary Receiver. Inſomuch that one of the Ancient Councils [*b*] orders, That if any Catholick offered his Children to be baptized by Hereticks, his Oblation ſhould not be received in the Church. This was in Effect to puniſh him with Excommunication, as an Encourager of Hereticks, and a Divider of the Unity of the Church. And St. *Jerom* ſays [*c*], to the ſame Purpoſe, If a Man who is Orthodox in his own Faith, is wittingly and willingly baptized by Hereticks, he deſerves no Pardon for his Crime. But then it might happen, that a Man in Extremity might be ſo diſtreſſed as to have none but an Heretick to baptize him; in which Caſe to receive Baptiſm from the Hands of an Heretick or Schiſmatick, was reckoned no Breach of Catholick Unity, becauſe the Man in Heart and Mind was ſtill united to the Catholick Church. This is St. *Auſtin*'s [*d*] Reſolution of the Caſe. If a Man, ſays he, is compelled by extream Neceſſity, where he cannot have a Catholick to give him Baptiſm, to take it at the Hands of One who is not in Catholick Unity; in that Caſe we reckon him no other than a Catholick ſtill, though he died immediately, becauſe

[*b*] Conc. Ilerdenſe. can. 13. Catholicus qui filios ſuos in hæreſi baptizandos obtulerit, Oblatio illius in Eccleſia nullatenus recipiatur. [*c*] Hieron. Dial. cum Lucifer. cap. 5. Si jam ipſe bene credebat, & ſciens ab Hæreticis baptizatus eſt, erroris veniam non meretur. [*d*] Aug. de Bapt. Lib. 1. cap. 2. Si quem forte coëgerit extrema neceſſitas, ubi Catholicum per quem accipiat non invenerit, & in animo Pace Catholica cuſtodita, per aliquem extra Catholicam Unitatem acceperit, quod erat in ipſa Catholica Unitate accepturus, ſi ſtatim etiam de hac vita migraverit, non eum niſi Catholicum deputamus, &c.

he was in Heart and Mind a Catholick, and would have been baptized in Catholick Unity, if there had been any Opportunity to have done it. If ſuch an one ſurvives, and corporally joins himſelf to the Catholick Congregation, from which in Heart he never departed, we not only not diſallow what he has done, but ſecurely and truly commend him for it: Becauſe he believed GOD to be preſent in his Heart, where he preſerved Unity, and would not depart out of this Life without the Sacrament of Baptiſm, which he knew to be GOD's, and not Mens, whereſoever he found it. But if any one when he might receive it in the Catholick Church, by ſome Perverſneſs of Mind, chuſes rather to be baptized in Schiſm, though he afterward deſign to return to the Church, becauſe he is certain the Sacrament will Profit him in the Church, but not elſewhere, though he may receive it elſewhere: This is a perverſe and wicked Man, and ſo much the more perniciouſly ſuch, by how much the more knowing he is. In another Place he propoſes the ſame Queſtion, Whether a Catholick without Breach of Unity might receive Baptiſm from a Schiſmatick? And he anſwers [*e*] it after the ſame manner, That he may ſafely receive it of a Separatiſt, if he himſelf be no Separatiſt when he receives it: For ſo it often happens to Men, who have a Catholick Mind, and an Heart no Ways alienated from the Unity of Peace, that in extreme Neceſſity and Danger of imminent Death they light

[*e*] Aug. de Bapt. Lib. 6. cap. 5. Poteſt ſalubriter accipere a Separato, ſi ipſe non Separatus accipiat: Sicut pleriſq; accidit, ut Catholico animo & corde ab Unitate Pacis non alienato, aliqua neceſſitate mortis urgentis in aliquem Hæreticum irruerent, & ab eo Chriſti baptiſmum ſine illius Perverſitate acciperent, &c.

light upon ſome Heretick, and receive the Baptiſm of CHRIST at this Hands, but not with the Perverſneſs, or Heretical Pravity of the Adminiſtrator. For whether they die or live, they do not remain among Hereticks, to whom in Heart they never went over. So again, diſtinguiſhing baptized Perſons into three Sorts; Firſt, Such as are baptized in the Houſe of GOD, and are truly and ſpiritually of the Houſe of GOD; Secondly, Such as are baptized in the Houſe of GOD, but are ſpiritually by wicked Works ſeparated from it; Thirdly, Such as are baptized in Hereſy or Schiſm, who are corporally ſeparated from the Houſe of GOD, and worſe than thoſe who live carnally within it, and are only ſpiritually divided from it; He adds [*f*] concerning this laſt Sort (who are rather to be ſaid to be of the Houſe of GOD, than in it, being farther ſeparated by corporal Diviſion, than thoſe who are only ſpiritually divided from it) that they neither have Baptiſm to any Profit themſelves, neither is it received with any Profit from them, except where the Neceſſity of Receiving it forces a Man to receive it from them, and the Mind of the Receiver does no ways recede from the Bond of Unity. By which is intimated that to receive Baptiſm in Caſe of Neceſſity from the Hands of an Heretick or Schiſmatick, does not involve a Man in the Guilt of Schiſm, ſo long as it is a Caſe of extreme Neceſſity, and the Man in Heart and Mind is all the Time in the Unity of the Catholick Church.

[*f*] Id. de Bapt. Lib. 7. cap. 52. Qui autem ſeparatiores non magis in domo quam ex domo ſunt, neq; omnino utiliter habent, neq; ab eis utiliter accipitur, niſi forte accipiendi neceſſitas urgeat, & accipientis animus ab Unitatis vinculo non recedat.

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[*f*] Id. de Bapt. Lib. 7. cap. 52. Qui autem ſeparatiores non magis in domo quam ex domo ſunt, neq; omnino utiliter habent, neq; ab eis utiliter accipitur, niſi forte accipiendi neceſſitas urgeat, & accipientis animus ab Unitatis vinculo non recedat.

THE Caſe was the ſame with thoſe that were baptized by Laymen. The Rules of the Church required, That none ſhould baptize in ordinary Caſes, but the Regular and Lawful Miniſters of the Church; and to do otherwiſe, was always a Note of criminal Schiſm: But in Caſe of Extremity, ſhe granted a general Commiſſion even to Laymen to baptize, rather than any Perſon in ſuch an Exigence ſhould die without Baptiſm; and in ſuch a Caſe, to receive Baptiſm from a Layman, was neither Uſurpation nor Schiſm in the Giver or Receiver, becauſe they had the Church's Authority for the Action. I produce no Proofs or Evidence for this here, becauſe I have done it fully in a ſeparate Diſcourſe before, treating Hiſtorically of the Practice of the Church in reference to her Allowance of Baptiſm adminiſtred by Laymen, in Caſes extraordinary, when Men were in apparent Danger of Death, and could not have a Miniſter to baptize them.

IN all theſe Caſes, we ſee, nothing but extreme Neceſſity could excuſe Men from criminal Schiſm, in dividing themſelves from the Church, either by the Neglect of Baptiſm, or ſeeking to Hereticks or Schiſmaticks, or Laymen for the Adminiſtration of it. And the like is to be ſaid of any Man's ſuffering himſelf to be re-baptized, after he had once received a true Baptiſm, whether in the Church or out of it. For the Unity of Baptiſm was ſuch, that it was never to be repeated. The greateſt Apoſtates were never re-baptized by the Catholick Church upon their Admiſſion again, but taken in by Impoſition of Hands and Abſolution upon their Repentance. Neither did the Church ever re-baptize thoſe that were baptized in Hereſy or Schiſm, except when ſome Doubt was made, whether the Baptiſm was defective in ſome eſſential Part of it.

And

And therefore, becauſe many Hereticks were inclined to re-baptize the *Catholicks*, very ſevere Laws were made both in Church and State, to repreſs this Inſolence: Of which I have given a particular Account in handling the Subject [*] of Baptiſm heretofore, and need only now obſerve, That this Practice of Re-baptizing was always eſteemed a ſchiſmatical Act, and a notorious Breach of Catholick Unity, which never allowed of more than one Baptiſm, according to that Rule of the Apoſtle, *One Lord, One Faith, One Baptiſm*, in the Church, as many of the Ancients expound it; or at leaſt, becauſe by the Divine Will it was ſo appointed.

Sect. 5. 2dly, *The Unity of Worſhip, in joyning with the Church in Prayers, and Adminiſtration of the Word and Sacraments.*

2. ANOTHER Sort of Unity, requiſite to the Well-being of the Church, was the Unity of Worſhip, whereby all Chriſtians were obliged to joyn with their reſpective Churches in the Performance of all holy Offices in Publick; ſuch as Common-Prayer, and the Adminiſtration of the Word and Sacraments. Which did not require, that all Churches ſhould exactly agree in the ſame Form of Words, which were not eſſential to theſe Things: (For, as we ſhall preſently ſee, every Church was at Liberty to make Choice for herſelf, in what Method and Form of Words ſhe would perform theſe Things: and it was no Breach of Unity for different Churches to have different Modes, and Circumſtances, and Ceremonies, in performing the ſame holy Offices, ſo long as they kept to the Subſtance of the Inſtitution:) But that which was required to keep the Unity of the Church in theſe Matters, was, That every par-

[*] Book XII. Chap. v. n. 7.

ticular Member of any Church, ſhould comply with the particular Cuſtoms and Uſages of his own Church (nothing being inſerted into her Offices that was unlawful) and meet for religious Worſhip, and hold conſtant Communion with her in the Performance of all Divine Service. And to do otherwiſe, either by neglecting wholly the Service of Religious Aſſemblies, or ſetting up oppoſite Communions, or raiſing unneceſſary Diſputes about the lawful Uſages and innocent Practices of the Church whereof a Man was a Member, was always eſteemed an Act of criminal Schiſm, as giving Scandal and Offence to the Church and his Brethren. There are ſeveral Canons in the Council of *Gangra*, made againſt the Separatiſts called *Euſtathians*, directly to this Purpoſe. The fourth Canon runs thus: "If any one ſeparate from a marry'd Presby-"ter, upon Pretence that it is unlawful to partake "of the Oblation when he performs the *Liturgy*, or "celebrates the Office of Communion, let him be "*Anathema*, that is, declared excommunicate, or "cut off from the Church." The fifth Canon is to the ſame Effect: "If any one teach, That the "Houſe of GOD, and the Aſſemblies held therein, "are to be deſpiſed, let him be *Anathema*." The ſixth forbids all private and irregular Aſſemblies: "If any hold other Aſſemblies privately out of the "Church, and contemning the Church will have "Eccleſiaſtical Offices performed without a Preſ-"byter licenſed by the Biſhop, let him be *Anathe-"ma*." The eleventh cenſures thoſe in like manner, who deſpiſed the Feaſts of Charity, made in Honour of the LORD, refuſing to partake of them. The eighteenth cenſures ſuch as faſted on the *Lord's-Day*, under Pretence of leading an Aſcetick Life; this being a Thing contrary to the general Rule and Cuſtom of the Church. The nineteenth, on the

the other hand, cenſures ſuch *Aſceticks*, as without the Excuſe of bodily Infirmity, out of mere Pride contemptuouſly broke the common Faſts handed down by Tradition to be obſerved in the Church. And the twentieth Canon anathematizes thoſe, who from an inſolent Diſpoſition contemned the Aſſemblies that were wont to be held in the Churches of the Martyrs, and the Service performed there, and the Commemorations of them. Among the *Apoſtolical Canons* there is one to the ſame Purpoſe, which orders [g], "That if any Presbyter, deſpiſing his Biſhop, gather a ſeparate Congregation, and erect another Altar, having nothing to object againſt his Biſhop in Point of Godlineſs or Righteouſneſs, he ſhould be depoſed, as a Lover of Pre-eminence, and Arbitrary Power or Tyranny in the Church." And if any of the Clergy conſpired with him, they were likewiſe to be depoſed, and Laymen to be ſuſpended from the Communion, after a third Admonition given them from the Biſhop. Theſe were ſome of the ancient Rules relating to Separatiſts dividing wholly from the Church, and refuſing contemptuouſly to communicate with her in Divine-Service. And for ſuch as frequented ſome Part of the Service, but fell off from the reſt, ſhe ſet an equal Mark of Reproach upon them, as diſobedient Children alſo. One of the *Apoſtolical Canons* [h] orders all Communicants, who came to Church to hear the Scriptures read, but did not ſtay to joyn in Prayers and receiving the *Euchariſt*, to be ſuſpended, as Authors of Confuſion and Diſorder in the Church. And the Council of *Antioch* [i] repeats, and reinforces

[g] Canon. Apoſt. 31. [h] Canon. Apoſt. 7.
[i] Conc. Antioch. Can. 2.

inforces this Canon. The Council of *Eliberis* [*k*] forbids the Biſhop to receive the Oblations of ſuch as did not communicate: Which was in Effect to cut them off from Communion with the Church, for the Neglect of that principal Part of Divine Service. The ſame Council in another Canon [†] orders, "That if any one, being at home in his "own City, did for three *Lord's-Days* together ab- "ſent himſelf from Church, he ſhould be ſuſpended "from the Communion for an equal Term, that he "might be made ſenſible of his Crime by the "Church's Cenſure." The Council of *Sardica*, not long after, made a Decree to the ſame Purpoſe, referring to ſome former Canon that had been made upon this Matter, which though ſome Learned Men are at a Loſs to know what Canon it was, ſeems plainly to be this Canon of the Council of of *Eliberis*. For *Hoſius* Biſhop of *Corduba* was preſent at both theſe Councils, and preſided in that of *Sardica*, which makes it probable, that he referred to the Canon of *Eliberis*, when he propoſed it to the Fathers at *Sardica* for their Conſent and Approbation. For the Council of *Sardica* [*l*] repeats a Canon made in ſome former Council, importing, That a Layman abſenting from Church for three *Lord's-Days* together, without juſt Cauſe or Impediment, was to be excommunicated for his Tranſgreſſion. And the ſame is repeated [*m*] in the Council of *Trullo*. So careful was the Church to preſerve her Members in the Unity of Divine Worſhip, and diſcountenance all Separatiſts whether Partial or Total, that an Occaſional Communicant

[*k*] Conc. Eliber. Can. 28. Vid. Conc. Tolet. 1. Can. 13.

[†] Conc. Eliber. Can. 21. Si quis in Civitate poſitus, tres Dominicas Eccleſiam non acceſſerit, tanto tempore abſtineat, ut correptus eſſe videatur. [*l*] Conc. Sardic. Can. 11.

[*m*] Conc. Trull. Can. 80.

Communicant was liable to Cenſure as well as any other.

BUT then there were ſome neceſſary Reaſons, that might juſtly excuſe a Man from this Duty of conſtant Communion with his own Church. As if a Man was in a Journey, the very Nature of the Thing was his Excuſe: For he could not communicate with his own Church in ſuch a Neceſſity, and therefore the Council of *Trullo* delivers the Rule with that Limitation. If a Man was ſick and infirm, his Infirmity was ſuch an Impediment, as all Laws both Human and Divine would allow of as a reaſonable Cauſe of abſenting. And the ſame Reaſon would excuſe his Non-obſervance of the ſevere Faſts of the Church, which were impoſed upon none but thoſe that were able to bear them, as appears from the forecited Canon [*n*] of the Council of *Gangra*. The Stationary Days of Faſting and Prayer were chiefly deſigned for the Exerciſe of Religious Aſceticks, thoſe who had both Strength and Leiſure to attend them: And therefore an infirm Man, or a poor Man, who was to live by his bodily Labour, was under no Obligation to ſpend ſo much Time in thoſe ordinary Returns of Faſting and Prayer. If he communicated with the Church religiouſly on the *Lord's-Days*, his Omiſſions of the Reſt were not imputed to him as breaking Communion with the Church. If Men were in Priſon or in Baniſhment, the Neceſſity of their Confinement was their natural Excuſe. For how ſhould they join bodily in Communion with the Church, who had not the Liberty of their own Bodies, whilſt they were entirely at the Mercy and Diſpoſal of Others? It was

[*n*] Conc. Gangren. can. 19.

was ſufficient for them in ſuch a Caſe to join in Spirit, when they could not in bodily Preſence; and to ſay with *David*, *As the Hart panteth after the Water-brooks, ſo panteth my Soul after Thee, O God. My Soul thirſteth for God, for the living God: When ſhall I come and appear before God?* Pſal. xlii. 1. And *wo is me, that I am conſtrained to dwell with* Meſeck, *and to have my Habitation among the Tents of* Kedar, *Pſal.* cxx. 5. *O God, my Soul thirſteth for Thee, my Fleſh longeth after Thee, in a dry and thirſty Land, where no Water is; to ſee Thy Power and Glory, ſo as I have ſeen Thee in the Sanctuary*, Pſal. lxiii. 1. It was their Misfortune, and not their Crime, in that Caſe, to be abſent from the Houſe of GOD: Mean while the whole World was to them the Temple of GOD: *For the Earth is the Lord's and the Fulneſs thereof*: Their Priſon was their Oratory, and the Wilderneſs a Sanctuary; their own Hearts a Sacrifice, and their own Bodies an Altar. When *Lucian* the Martyr made Uſe of his own Breaſt in Chains inſtead of a Communion-Table to offer the *Euchariſt* on, his Sacrifice was as acceptable to GOD, as if it had been in the midſt of the Church upon an Altar. For as St. *Baſil* words it [*o*], in ſuch a Caſe it is not the Place, but the Mind and Affection of the Supplicant, that GOD regards. *Moſes* was heard in the Bottom of the Sea, *Job* upon a Dunghill, *Ezekias* in his Bed, *Jeremy* in the Dungeon, *Jonas* in the Whales-Belly, *Daniel* in the Lion's-Den, the Three Children in the burning fiery Furnace, the Penitent Thief upon the Croſs, and *Peter* and *Paul* in Priſon. Every Place, ſays *Dionyſius* [*p*] of *Alexandria*,

[*o*] Baſil. Exhort. ad Baptiſm. & alij ap. Durant. de Ritibus. Lib. 1. cap. 2. [*p*] Ap. Euſeb. Lib. 7. cap. 22.

andria, is inſtead of a Temple in Time of Perſecution, whether it be a Field, or a Wilderneſs, or a Ship, or an Inn, or a Priſon. There is a great Difference to be made between Neceſſity and Contempt. If a Man voluntarily abſents himſelf from the Aſſemblies of the Church, when he may enjoy them, he is a Divider of her Unity, by contemning her Service: But if Neceſſity obliges him to be Abſent, when he is deſirous to be Preſent, he is ſpiritually Preſent with her even whilſt he is Abſent in Body: Which is as much preſerving her Unity, as his Caſe will allow, or the Church can require: Seeing this Sort of Unity is not ſimply Eſſential to the Being of a Church in all States, but only Neceſſary to her Well-being in Peaceable Times and Ordinary Caſes. And happy would it be for the Church, if Men would never deny themſelves the Benefit of her Communion in Religious Aſſemblies, but upon ſuch Reaſons of Neceſſity, which carry their own Apology at firſt Sight in their very Nature: If they were merely paſſive, and not active, in their Separation, ſuch a Separation would not involve them in the Guilt of Schiſm, being ſo rationally to be accounted for both before GOD and His Church. The Primitive Church was exceeding happy in theſe Two Things (which relate to this Sort of Unity in Communion, the want of which is ſo much to be lamented both in its Cauſes and Effects in this unhappy divided State of the Church in later Ages;) *1ſt*. That no Church then ever aſſumed to herſelf an Authority of impoſing upon her Members any Things Unlawful, or contrary to the Word of GOD, either in Faith or Practice, as neceſſary Terms of Communion. They required no Belief of any Articles of Faith, as neceſſary to Salvation, but ſuch as were contained in their *Common-Creeds*, and founded

founded upon the infallible Authority of Scripture. They inſerted nothing into their Publick Forms of Worſhip, repugnant to the Word of GOD, or intrenching upon any Divine Rule given in Scripture about the Object or Matter or Manner of Adoration, as any one may perceive, by conſidering the Account that has been given of their Publick Worſhip and *Liturgy* in the Three laſt Books, where we examined every particular Office of it. Things being thus ſecured for the Subſtance of their Worſhip, all Chriſtian People in the next Place thought it their Duty to ſubmit to the Wiſdom and Prudence of their Governours in eſtabliſhing Things external and circumſtantial, relating to Expedience, Edification and good Order. And this was the Second Thing to be admired in the OEconomy of the Ancient Church, That the People never had any Diſpute with their Superiors about Matters of this Kind, but left all Indifferent Things, and Things of Expediency, Decency, Circumſtance and Form, to the Judgement and Choice of their Governours, or Perſons inveſted with Authority to determine ſuch Matters; readily complying with the innocent Cuſtoms of the Church, and all the Rules of Publick Order, and never dividing into Sects and Parties upon the Account of Rites and Ceremonies, though differently practiſed in different Churches. This was according to the wiſe and peaceable Rule laid down by St. *Auſtin* in his Advice to *Caſulanus*: In thoſe Things [q], ſays he, concerning which the holy Scripture

[q] Aug. Ep. 86. ad Caſulan. In his enim rebus, de quibus nihil certi ſtatuit Scriptura divina, Mos populi Dei, vel Inſtituta Majorum pro Lege tenenda ſunt. — Quiſquis hunc diem jejunio decernendum putaverit, non parvo ſcandalo erit Eccleſiæ, nec immerito. — Quis non Deum offendet, ſi velit cum ſcandalo totius, quæ ubique dilatata eſt, Eccleſiæ, die Dominico jejunare?

Scripture has given no poſitive Direction, the Cuſtom of the People of GOD, or the Rules of our Anceſtors or Superiors are to be taken for a Law. He inſtances in the Cuſtom of the Church, never to faſt on the *Lord's-Day*, which was become ſo much a Rule, that whoever ſhould pretend to introduce the contrary Cuſtom, to make it a Faſt, ſhould be thought to give great Scandal to the Church, and that not without good Reaſon. Nay he ſays, it would be to offend GOD, ſo to ſcandalize the Univerſal Church by holding a Faſt on the *Lord's-Day*; eſpecially ſince it was become the Practice of the impious Manichees ſo to faſt in Oppoſition to the Church. The *Saturday*-Faſt was not a Cuſtom of ſo general Obſervation: For ſome Churches kept it a Faſt, and ſome a Feſtival: But his Advice as to this is much of the ſame Nature, That a Man ſhould obſerve [r] the Cuſtom of every Church, where he happened to be, if he was minded neither to give Offence to them, nor take Offence from them. And this Advice, he ſays, he had in his younger Days from the Mouth of St. *Ambroſe*. But becauſe in ſuch a Matter as this is, it might happen, that not only different Churches might practiſe differently, but alſo the Members of the ſame Church might differ in their Practice one from another without Breach of Communion, as it was in ſome of the *African* Churches, where in one and the ſame Church ſome choſe to faſt, others to dine upon the Sabbath, his Advice to *Caſulanus* as a Presbyter [s] was, To

[r] Aug. ibid. Ad quamcunq; Eccleſiam veneritis, ejus morem ſervate, ſi pati ſcandalum non vultis, aut facere.

[s] Ibid. Sed quoniam contingit maxime in Africa, ut una Eccleſia, vel unius regionis Eccleſiæ, alios habeant ſabbato prandentes, alios jejunantes, Mos eorum mihi ſequendus videtur,

To follow the Cuſtom of thoſe who had the Care and Government of the Churches committed to them: Reſiſt not your Biſhop in ſuch a Matter as this, but follow what he does without any Scruple or Diſputation.

Sect. 6.

3dly, *The Unity of Subjection of Preſbyters and People to their Biſhop, and Obedience to all publick Orders of the Church in Matters of an indifferent Nature.*

3. AND this leads us to conſider another Sort of Unity, very neceſſary for the Well-being of the Church: Which was, That the Clergy and People ſhould be united under one ſingle Biſhop in every Church, paying a due Reſpect to his Authority, and not dividing from him, either by ſetting up Anti-Biſhops againſt him, or withdrawing from his Communion or Government, or deſpiſing the publick Orders of his Church, which were made for Expedience and Edification in Matters of an indifferent Nature. *Cyprian* has Abundance relating to this Sort of Unity, conſidering both the State of his own and other Churches. The Church, he ſays, is a People united [*t*] to their Biſhop, and a Flock adhering to their Paſtor. Whence he infers, That the Biſhop is in the Church, and the Church in the Biſhop; and that whoever are not with the Biſhop, are not in the Church: that is, None who voluntarily withdraw from his Communion, and ſet up others in Oppoſition to it. To the ſame Purpoſe he

tur, quibus eorum populorum Congregatio regenda commiſſa eſt —— Epiſcopo tuo in hac re noli reſiſtere, & quod facit ipſe, ſine ullo ſcrupulo vel diſceptatione ſectare.

[*t*] Cypr. Ep. 69. al. 66. ad Florentium. p. 168. Eccleſia ſunt Plebs ſacerdoti adunata, & Paſtori ſuo Grex adhærens. Unde ſcire debes Epiſcopum in Eccleſia eſſe, & Eccleſiam in Epiſcopo; & ſi qui cum Epiſcopo non ſint, in Eccleſia non eſſe.

he ſays again [*u*], That the Ordination of Biſhops, and the Conſtitution of the Church came down by Succeſſion from the Apoſtles, ſo as that the Church ſtood upon its Biſhops, and every Act of the Church was regulated by their Direction, as the chief Governors of it. And therefore when ſome Lapſers wrote to him, giving themſelves the Name of the Church, he gave them a very ſharp Anſwer, telling them, He could not but wonder at their Temerity and Boldneſs, that they ſhould ſtyle themſelves the Church, when it was ſo plain by the Divine Law, that a Church conſiſted of a Biſhop and Clergy together with a People ſtanding firm without lapſing in time of Perſecution; whereas no Number of Lapſers could be called a Church, ſince *God was not the God of the Dead, but of the Living*. In another Place he ſeverely rebukes the Preſumption of thoſe Presbyters, who took upon them by their own Authority to reconcile Lapſers without conſulting him, who was the chief Manager and Director of the Diſcipline of the Church. This, he tells them, was to forget both the Rules [*x*] of rhe Goſpel, and their own Station; neither thinking of the future Judgment of the LORD, nor the Biſhop that was now ſet over them; but aſſuming to themſelves the whole Power of Diſcipline, both to the Diſhonour and Contempt of their Biſhop, and to the Detriment of their Bre-

[*u*] Cypr. Ep. 27. al. 33, ad Lapſos, p. 66. Inde per temporum & ſucceſſionum vices, Epiſcoporum Ordinatio & Eccleſiæ ratio decurrit, ut Eccleſia ſuper Epiſcopos conſtituatur, & omnis actus Eccleſiæ per eoſdem Præpoſitos gubernetur. Cum hoc itaque Divina Lege fundatum ſit, miror quoſdam audaci temeritate ſic mihi ſcribere voluiſſe, ut Eccleſiæ nomine Literas facerent; quando Eccleſia in Epiſcopo & Clero & in omnibus ſtantibus ſit conſtituta, *&c.* [*x*] Cypr. Ep. 10. al. 16. ad Clerum. p. 36. Aliqui de Presbyteris, nec Evangelij, nec loci ſui memores, ſed neque futurum Domini judicium, neque nunc ſibi præpoſitum Epiſcopum cogitantes—cum contumelia & contemptu Præpoſiti totum ſibi vendicant, *&c.*

threns Salvation. It was an ancient Rule in the Church, That Presbyters ſhould do no Miniſterial Act but by the Authority of their Biſhop, and in Dependance upon and Subordination to him. This I have had Occaſion to ſhew at large in a former Book out of *Ignatius*, *Cyprian*, and the ancient Councils [*], which need not here be repeated. Therefore it was always reputed a Tendency toward Schiſm, for Presbyters to do any ſuch Act in Contempt of their Biſhop, though they made no formal Separation from him. But the moſt flagrant Act of Schiſm was, when in deſpite of his Authority, their factious Humour and Pride puſhed them on to divide from his Communion, and ſet up ſeparate Aſſemblies in Oppoſition to him. This, ſays St. *Cyprian*, is the firſt Beginning of Hereticks, the firſt Riſe and Attempt of Schiſmaticks, Men of evil Diſpoſitions, to pleaſe themſelves, and with a ſwelling Pride contemn the Biſhop that is ſet over them. The Effect of which is preſently to forſake the Church, and ſet up another profane Altar without, and to rebel againſt the Peace of CHRIST, and the Ordination and Unity of GOD [y]. Moſt Hereſies and Schiſms take their Birth (ſays he again) from this Original [z], That Men refuſe to ſubmit to the Biſhop appointed by GOD, and conſider not that

[*] Book II. Chap. iii. n. 2. *&c.* [y] Cypr. Ep. 65. al. 3. ad Rogatian. p. 6. Hæc ſunt enim initia Hæreticorum, & ortus atque conatus Schiſmaticorum male cogitantium, ut ſibi placeant, & Præpoſitum ſuperbo tumore contemnant. Sic de Eccleſia receditur, ſic altare profanum foris collocatur, ſic contra Pacem Chriſti & Ordinationem atque Unitatem Dei rebellatur. [z] Ep. 55. al. 69 ad Cornel. p. 129. Neque enim aliunde hæreſes obortæ ſunt, aut nata ſunt ſcandala, quàm inde quod ſacerdoti Dei non obtemperatur, nec unus in Eccleſia ad tempus ſacerdos, & ad tempus Judex vice Chriſti cogitatur.

that there ought to be but one Biſhop at once in a Church, and but one Judge in the Room of CHRIST. This he ſpeaks particularly againſt thoſe, who thought to juſtify their Schiſm by ſetting up an Anti-Biſhop in Oppoſition to the true one: Which did not diminiſh the Schiſm, but heighten and augment it, and commonly render it more inveterate and laſting. As it was in the Caſe of the *Meletians* in *Egypt*, and the *Donatiſts* in *Africa*, and the *Novatians* at Rome, who all carry'd on their Schiſms more powerfully by the Help of Anti-Biſhops to ſtrengthen their Party, and uphold their Faction. But this was no juſt Pretence for Schiſm; but a manifeſt Violation of the ſtanding Rule of the Catholick Church, which was, To have but one Biſhop in a Church, as the Centre of Unity: And to ſet up another in Oppoſition to him, was not to make another true Biſhop or Paſtor of the Flock, to whom the People were obliged to joyn themſelves as the Miniſter of GOD; but to introduce a Wolf, an Adulterer, a ſacrilegious Uſurper, a Stranger and an Alien, from whom they were obliged to fly, as from one who had no Title to their Obedience by any Divine Appointment or allowed Rule of Ordination. I have more than once fully demonſtrated this [*] out of the Writings of *Cyprian*, and others of the Ancients, to which it is here ſufficient to refer the Reader. I only note one Thing out of *Cyprian*, which he applies particularly to the Caſe of the *Novatian* Schiſm, That to ſet up ſuch an Anti-Biſhop to Head a Faction [a], was to act againſt the Set-

[*] Book II. Chap. xiii. n. 1. *See alſo Scholaſt. Hiſt. of Lay-Baptiſm.* Part II. Chap. ii. [a] Cypr. Ep. 44. al. 46 ad Maxim. & Nicoſtrat. Confeſſores. Gravat me —— cum vos illic comperiſſem contra Eccleſiaſticam diſpoſitionem, contra Evangelicam legem, contra inſtitutionis Catholicæ Unitatem, alium

tlement of the Church, the Laws of the Goſpel, and the Unity of the Catholick Inſtitution: It was to make another Church, to tear the Members of CHRIST, and disjoynt that One Body and Soul of the LORD's Flock by a dividing Emulation. And therefore he tells *Maximus*, and *Nicoſtratus*, and other Confeſſors, who were concerned in upholding and abetting the *Novatian* Schiſm, That they were not aſſerting the Goſpel of CHRIST, whilſt they divided themſelves from the Flock of CHRIST, and were not in Peace and Concord with his Church. It is uſual with him upon this account to ſay, He has not GOD for his Father, who has not the Church [*b*] for his Mother. Whoever is ſeparated from the Church, to be joyned to an Adultereſs, is ſeparated from the Promiſes of the Church: He cannot come to the Rewards of CHRIST, who leaves the Church of CHRIST: He is an Alien, he is profane, he is an Enemy: And that Martyrdom itſelf, which was accounted in many Caſes equivalent to Baptiſm, would not expiate this Crime, unleſs the offended Party returned to the Unity of the Church. For what Peace, ſays he [*c*] can they promiſe themſelves, who die in Enmity with their Brethren? What Sort of Sacrifices do they think they offer, who rival the Prieſts with Emulation? Do they imagine CHRIST is with them, when they are aſſembled, who aſſemble out of the Church of CHRIST? Such Men though they be ſlain for the Confeſſion of his Name, do not waſh away

alium Epiſcopum fieri conſenſiſſe, id eſt, quod nec fas eſt, nec licet fieri, Eccleſiam aliam conſtitui; Chriſti membra diſcerpi, Dominici gregis animum & Corpus unum diſciſſa æmulatione lacerari, &c. [*b*] Cypr. de Unit. Eccleſ p. 109. Habere jam non poteſt Deum Patrem, qui Eccleſiam non habet Matrem, &c. [*c*] Ibid. p. 113. Vid. Cypr. Ep. 55. ad Antonian. p. 108. & 114. Ep. 57. ad Cornel. p. 118. Ep. 60. ad Cornel.

away the Stain with their Blood. The inexpiable and grievous Crime of Diſſenſion is not purged away by their Paſſion: He cannot be a Martyr, that is not in the Church: He cannot attain to the Kingdom, who deſerts the Church which is to have the Kingdom. CHRIST commended Peace to us; He commanded us to be unanimous and united together in Concord; He enjoyned us to keep the Bonds of Love and Charity firm and inviolable. He cannot make himſelf a Martyr, that retains not Brotherly Charity. St. *Paul* teaches us this, and teſtifies, ſaying, *Though I have all Faith, ſo that I could remove Mountains, and have not Charity, I am nothing. And though I beſtow all my Goods to feed the Poor, and though I give my Body to be burnt, and have not Charity, it profiteth me nothing. Charity ſuffereth long and is kind; Charity envieth not; doth not behave itſelf unſeemly, is nat puffed up, is not eaſily provoked, thinketh no Evil, loveth all Things, believeth all Things, hopeth all Things, endureth all Things. Charity never faileth:* It will always be in Poſſeſſion of the Kingdom; it will endure for ever in the Unity of that Fraternity which adheres together. But Diſcord cannot attain to the Kingdom of Heaven, nor come to the Reward of CHRIST, who ſaid, *This is my Commandment, that ye love one another, as I have loved you.* He cannot appertain to CHRIST, who violates the Love of CHRIST by perfidious Diſſenſion. He that hath not Love, hath not GOD. It is the Voice of the bleſſed Apoſtle St. *John: God,* ſays he, *is Love, and he that dwelleth in Love, dwelleth in God, and God in him.* They cannot dwell with GOD, who would not abide unanimouſly in the Church of GOD: Though they burn in the Flames, though they be caſt into the Fire, or thrown to Wild Beaſts, and ſo lay down their Lives; that will not be the Crown of their Faith, but the Puniſhment of their Perfidi-

ouſneſs; not the glorious Exit of a religious Vertue, but a Death of Deſperation. Such an one may be ſlain, but he cannot be crowned: *Occidi talis poteſt, coronari non poteſt. Cyprian* often repeats this Aſſertion in other Places of his Writings (which for Brevity's ſake I omit) and particularly applies it to the Schiſm of the *Novatians*, who brake the Unity of the Church by ſetting up *Novatian* their Leader, as Anti-Biſhop againſt *Cornelius* the lawful Biſhop of *Rome*; who being once regularly choſen and inveſted in his Office, no other could intrude himſelf into the ſame Place without dividing the Unity of the Church. Which was not the ſingular Opinion of St. *Cyprian*, but the Voice of the whole Catholick Church, as I have had Occaſion to demonſtrate more fully [*] in another Diſcourſe, to which I refer the Reader for greater Satisfaction. Neither was it any private Opinion of *Cyprian*, That a Schiſmatick, continuing a Schiſmatick without Repentance, could not be a Martyr; but herein he is followed by the greateſt Lights of the Church, St. *Chryſoſtom* [*d*], St. *Auſtin* [*e*], *Fulgentius* [*f*] and others, who cite this Saying of his with Approbation. Which ſhews, what Weight they laid upon this Sort of Unity of Submiſſion and Obedience to every lawful Biſhop in the regular Management of the Affairs of his own Church.

BUT we muſt note, That this Obedience was only due to Biſhops, when they could make out a juſt Title to it by the ſtanding Rules of the Catholick Church. For firſt, If any Man came into

[*] *Scholaſt. Hiſt. of Lay-Baptiſm* Part II. Chap. ii. n. 4:
[*d*] Chryſ. Hom. 11. in Epheſ. [*e*] Aug. Ep. 61. & 204. It. de Bapt. Lib. 4. cap. 17. Cont. Literas Petiliani. Lib. 2. c. 23. De Geſtis cum Emerito. p. 249. [*f*] Fulgent. de Fide ad Petrum. c. 3, & 39.

into his Office by a Simoniacal Ordination, his Ordination by the Canons was declared Null and Void [*g*]: And then no Obedience was due to him, nor any Communion to be held with him, as a Biſhop of the Church. 2. If a Man intruded himſelf into a full See, where another Biſhop was regularly ordained before him; it was ſo far from being a Duty to pay Obedience to him, that it was the very Crime of Schiſm, we have now been ſpeaking of in the *Novatians* of old, to ſeparate from the true Biſhop by joining with an Invader ſet up againſt him. 3. If a Biſhop fell into manifeſt Hereſy or Idolatry, the People were not only at Liberty, but obliged in Point of Duty, to ſeparate from his Communion as an intolerable Prevaricator and Tranſgreſſor. Thus *Cyprian* [*b*] tells the People of *Leon* and *Aſtorga* in *Spain*, with relation to *Martialis* and *Baſilides*, two Biſhops that fell into Idolatry, That it was their Duty in Obedience to the Divine Commands, to ſeparate themſelves from ſuch apoſtatizing Biſhops, and not join in their ſacrilegious Sacrifices; foraſmuch as it was chiefly in their Power either to chuſe worthy Biſhops, or refuſe the unworthy. And the ſame Obligation lay upon them to ſeparate from the Communion of an heretical Biſhop, as is evident from the whole Practice of the Church. 4. If any Biſhops were legally depoſed for any other Miſdemeanors, it was equally the Peoples Duty to give Vigor and Effect to the Cenſures of the

[*g*] Vid. Can. Apoſt. 29. & Conc. Chalced. can. 2.

[*b*] Cypr. Ep. 68. al. 67. p. 171. Plebs obſequens præceptis Dominicis, & Deum metuens, a peccatore Præpoſito ſeparare ſe debet, nec ſe ad ſacrilegi ſacerdotis ſacrificia miſcere; quando ipſa maxime habeat poteſtatem vel eligendi dignos ſacerdotes, vel indignos recuſandi.

Church by deſerting their Communion, and adhering to ſuch as were by juſt Authority ſubſtituted in their Room. 5. It ſometimes happened that the Diſpute of Right between two contending Biſhops was ſo nice, and doubtfull, and hard to be determined, that good and wiſe Men might join with either, till the Matter of Diſpute was fully ended by a competent Authority, from which there lay no farther Appeal. This was like the Caſe of a *Lite pendente*, where each Party might be preſumed to have a Right, till the Cauſe was fully heard and adjuſted: And in ſuch a Caſe it would be hard to condemn innocent Men who joined with either Side, till ſome better Light and Direction could be afforded them, which might give a final Determination of the Queſtion in Debate, and ſettle more perfectly the Rule of Communion. This was the Caſe between *Flavian* and *Evagrius* Biſhops of *Antioch*: *Flavian* was generally received in the *Eaſtern* Churches, but *Evagrius* had the Countenance of the Biſhops of *Rome*, and the *Weſtern* Churches; and during this Contention, it was no great Crime in Men of honeſt Minds to join with either Party, ſince the Matter was ſo hard to be determined by the greateſt Authority in the Church. 6. Sometimes a Biſhop, who might be preſumed to have a Right in a Church, was willing to reſign to his Oppoſite, to prevent a Schiſm, and preſerve the Peace of the Church: And in that Caſe there could be no Harm in ſubmitting to the Oppoſite, becauſe it was done by Conſent and Ceſſion of the true Biſhop, and was confirmed by the Approbation of the Church. 7. Sometimes a Biſhop was willing to reſign for the Sake of Peace, but a ſuperior Power would not permit him ſo to do: Thus *Flavian* in the forementioned Diſpute with *Evagrius*, being ſummoned by

by the Emperor *Theodoſius* to have his Cauſe heard and decided at *Rome*, generouſly told the Emperor, That if his Faith was accuſed as erroneous, or his Life as immoral and unqualifying him for a Biſhoprick, he would freely let his Accuſers be his Judges, and ſtand to their Determination, whatever it were: But if the Diſpute be only about the Throne and Government of the Church, ſaid he, I ſhall not ſtay for Judgment, nor contend with any that has a Mind to That, but freely recede, and abdicate the Throne of my own Accord: And You, Great Sir, may commit the See of *Antioch* to whom you pleaſe. The Hiſtorian [*i*] ſays, The Emperor was ſo much affected with this generous Anſwer, that inſtead of ſending him to *Rome* for Judgment, he ſent him back to take Care of his Church, and would never after hearken to any Sollicitations that were made to expell him. Now in this Caſe it were unreaſonable to think, that the People which followed *Flavian*, among whom was St. *Chryſoſtom*, were in any Fault, though the Judgment of the *Weſtern* Biſhops was againſt him. 8. *Laſtly*, Sometimes two Biſhops were allowed to ſit jointly in the ſame See, as ſome ſuppoſe *Peter* and *Paul* to have be been at *Rome*, the One the Biſhop of the *Jews*, and the Other of the *Gentiles*; or when one was to be Co-adjutor to the other; or when it was to cure an inveterate Schiſm, as it was in the Propoſal made by the Catholick Biſhops to the *Donatiſts* in the Collation of *Carthage*; of all which Caſes the Reader may find an exact Account given [*] in a former Part of this Work. Now in ſuch Caſes Obedience might be paid to either

[*i*] Theodor. Lib. 5. cap. 23.
[*] Book II. Chap. xiii.

either Biſhop without Schiſm, becauſe there was no Oppoſition between them: And though it was not according to the Common Rule of the Church, to have two Biſhops ordinarily ſitting together in one See at the ſame Time, yet for extraordinary Reaſons this was ſometimes allowed in ſpecial Caſes; and then there was no Schiſm or other Evil in it, no Breach of Unity or Encroachment upon any Man's Right, becauſe it was done for Expedience and Benefit of the Community, by common Conſent of all Parties, and the general Approbation of the Church. I have interpoſed theſe Cautions, that it might be more particularly underſtood, wherein the due Submiſſion to every Biſhop in his own Church conſiſted, and under what Limitations Obedience was required to a ſingle Biſhop, regularly appointed, to preſerve the Unity of the Church.

Sect. 7. 4thly, *The Unity of Submiſſion to the Diſcipline of the Church.*

4. To preſerve the Unity of the Church in its Well-being, it was required that every Member of a Church ſhould ſubmit to the Ordinary Rules of Diſcipline appointed for the Puniſhment of Delinquents; and neither deſpiſe the lawful Cenſures of his own Church; nor ſeek clandeſtinely to be reſtored to Communion in any other Church, without giving Satisfaction to his own Church, whereof he was a Member; nor betaking himſelf to the Conventicles of Hereticks or Schiſmaticks, to be received by them as a Communicant, when he was caſt out of his own Church as a Criminal. For all theſe were direct Violations of the Unity of Diſcipline, which ought to be preſerved entire in every Church. The Effect of a Legal Excommunication and the Power of the Keys was always reputed ſuch, as that if a Man was juſtly caſt out of

of the Communion of his own Church for his Offences, he was ſuppoſed to be excluded from all Title to the Kingdom of Heaven, during his Continuance in that State, by Virtue of our Saviour's Authority delegated to the Church, in thoſe Words, *Whoſe ſoever Sins ye retain, they are retained*: And, *Whatſoever ye ſhall bind on Earth, ſhall be bound in Heaven.* And therefore unleſs Men ſubmitted to the ordinary Way of reſtoring Offenders, and ſought to be reconciled to the Peace of the Church by the proper Methods of Publick Confeſſion and Repentance, and Interceſſion for Pardon and Abſolution, they were treated as Deſpiſers of the Church's Diſcipline; and if they died in that State, without being firſt reconciled, and received into Communion again, they were looked upon as Perſons in a deplorable Condition, as dying in a State of Sin and Rebellion againſt GOD, and out of the Unity of the Church. For which Reaſon no Solemnity was ever uſed at their Funeral, as was uſual for thoſe who died in the Peace of the Church; nor were their Oblations received, or any Offerings or Commemorations made for them, as for others, in the uſual Service of the Church. Only in one Caſe a little Favour was ſhewed to ſuch as died in the Bonds of Excommunication unrelaxed by any formal Abſolution: Which was, when ſuch Penitents as obediently ſubmitted to the Church's Diſcipline, and gave evident Tokens of their ſincere Repentance, happened to die ſuddenly, when they were deſirous of Reconciliation and Abſolution, but by unavoidable Neceſſity could not have it. In this Caſe the Canons ordered, That their Oblations ſhould be received, as a Teſtimony of their Submiſſion, and being united in Heart and Mind to the Church, though they could not have the Formality of an external Abſolution. In the Fourth

Council

Council of *Carthage* there is a Canon to this Purpoſe: Such Penitents as are intent and diligent in obſerving the Rules of Penance [*k*], if they chance to die in a Journey, or at Sea, where they can have no Help or Remedy, ſhall notwithſtanding have their Memory commended both in the Prayers and Oblations of the Church. The Second Council of *Vaiſon* [*l*] is a little more particular in declaring how ſuch Penitents ſhall be admitted to all the Privileges of Church Communion after Death: If any of thoſe who are under Penance, and live in the Courſe of a good Life with ſatisfactory Compunction, happen to die ſuddenly and unexpectedly either in the Country or in a Journey, their Oblations ſhall be received, and their Funeral Obſequies and Memorials ſhall be celebrated in the uſual Manner and Affection of the Church; Becauſe it were unjuſt, that their Commemorations ſhould be excluded from the Salutary Myſteries, who whilſt they were labouring earneſtly with a faithful Affection after thoſe holy Myſteries, were intercepted by ſudden Death from the *Viaticum* of the Sacraments, to whom the Prieſt perhaps would have thought fit to have granted the moſt abſolute Reconciliation. There are a great many Canons [*m*] in the Second Council of *Arles*, and the ſecond of *Orleance*, and the ſecond of *Toledo*, and the Council of *Epone* to the ſame Purpoſe. By all which we may judge, That though the

[*k*] Conc. Carthag. 4. can. 79. Pœnitentes qui attente leges Pœnitentiæ exequuntur, ſi caſu in itinere vel in mari mortui fuerint, ubi eis ſubveniri non poſſit, Memoria eorum & Orationibus & Oblationibus commendetur.

[*l*] Conc. Vaſenſe 2. can. 2. [*m*] Conc. Arelat. 2. can. 12. Conc. Aurelian. 2. can. 14. Conc. Tolet. 2. can. 18. Conc. Epaunenſe. can. 36.

the Church was ſevere againſt impenitent Apoſtates and Contemners of her Diſcipline, yet ſhe ſhewed great Favour and Tenderneſs toward ſuch as really honoured her Diſcipline, and gave evident Tokens of Repentance: Such Men were not deemed to depart out of the Unity and Communion of the Church, though they happened to die without the Formality of an external Abſolution; being internally reconciled both to GOD and the Church by the Teſtimonies of Repentance, in ſuch Caſes of Extremity, where not their own Will, but the Neceſſity of their Circumſtances precluded them from a more formal Reconciliation.

Sect. 8. *How different Churches maintained Communion with one another. Firſt, in Faith.*

AND thus far we have conſidered the Unity of every Church with Relation to its own Members: We are next to examine, What Communion different Churches held with one another, that we may diſcover the harmonious Unity of the Catholick Church. And here firſt of all we are to obſerve, That as there was one Common Faith, conſiſting of certain Fundamental Articles, Eſſential to the very Being of a Particular Church and its Unity, and the Being of a Chriſtian; ſo this ſame Faith was Neceſſary to unite the different Parts of the Catholick Church, and make them one Body of Chriſtians. So that if any Church deſerted or deſtroyed this Faith in Whole or in Part, they were looked upon as Rebels and Traytors againſt CHRIST, and Enemies to the Common Faith, and treated as a Conventicle of Hereticks, and not of Chriſtians. Upon this Account every Biſhop not only made a Declaration of his Faith at his Ordination, before the Provincial Synod that ordained him, but alſo ſent his Circular or Encyclical Letters, as they were called, to foreign Churches, to

ſignify

ſignify that he was in Communion with them. And this was ſo neceſſary a Thing in a Biſhop newly ordained, that *Liberatus* [*n*] tells us, The Omiſſion of it was interpreted a Sort of Refuſal to hold Communion with the Reſt of the World, and a virtual Charge of Hereſy upon himſelf or them.

Sect. 9. 2dly, *In mutual Aſſiſtance of each other for Defence of the common Faith.*

2. To maintain this Unity of Faith entire, every Church was ready to give each other their mutual Aſſiſtance, to oppoſe all fundamental Errors, and beat down Hereſy at its firſt Appearance among them. The whole World in this Reſpect was but one common Dioceſe, the Epiſcopate was an univerſal Thing, and every Biſhop had his Share in it in ſuch a Manner, as to have an equal Concern in the Whole; as I have more fully ſhewed in another Place [*], where I obſerved, That in Things not appertaining to the Faith, Biſhops were not to meddle with other Mens Dioceſes, but only to mind the Buſineſs of their own: But when the Faith or Welfare of the Church lay at Stake, and Religion was manifeſtly invaded; then, by this Rule of there being but one Epiſcopacy, every other Biſhoprick was as much their Dioceſe as their own; and no human Laws or Canons could tie up their Hands from performing ſuch Acts of the Epiſcopal Office in any Part of the World, as they thought neceſſary for the Preſervation of Faith and Religion. This was the Ground of their meeting in Synods, Provincial, National, and General, and ſending their joint Opinions and Advice from one Church to another.

[*n*] Liberat. Breviar. cap. 17.

[*k*] Book II. Chap. v. n. 2.

another. The greateſt Part of Church-Hiſtory is made up of ſuch Acts as theſe, ſo that it were next to impertinent to refer to any Particulars. I only obſerve one Thing farther upon this Head, That the intermeddling with other Men's Concerns, which would have been accounted a real Breach of Unity in many other Caſes, was in this Caſe thought ſo neceſſary, that there was no certain way to preſerve the Unity of the Catholick Church and Faith without it. And as an Inſtance of this, I have noted in the fore-cited Book, That though it was againſt the ordinary Rule of the Church for any Biſhop to ordain in another Man's Dioceſe; yet in Caſe a Biſhop turned Heretick, and perſecuted the Orthodox, and would ordain none but heretical Men to eſtabliſh Hereſy in his Dioceſe; in that Caſe any Orthodox Biſhop was not only authorized, but obliged, as Opportunity ſerved, and the Needs of the Church required, to ordain Catholick Teachers in ſuch a Dioceſe, to oppoſe the malignant Deſigns of the Enemy, and ſtop the Growth of Hereſy, which might otherwiſe take deep Root, and ſpread and over-run the Church. Thus *Athanaſius* and the Famous *Euſebius* of *Samoſata* went about the World in the Prevalency of the *Arian* Hereſy, ordaining in every Church where they came, ſuch Clergy as were neceſſary to ſupport the Orthodox Cauſe in ſuch a Time of Diſtreſs and Deſolation: And this was ſo far from being reckoned a Breach of the Church's Unity, though againſt the Letter of a Canon in ordinary Caſes, that it was neceſſary to be done, in ſuch a State of Affairs, to maintain the Unity of the Catholick Faith, which every Biſhop was obliged to defend, not only in his own Dioceſe, but in all Parts of the World, by Virtue of that Rule which obliges Biſhops in weighty Affairs to take Care of the

the Catholick Church, and requires all Churches in Time of Danger to give mutual Aid and Assistance to one another.

Sect. 10. 3dly, *In joyning in Communion with each other in all holy Offices, as Occasion required.*

3. THIS Unity of the Catholick Church was farther maintained by the Readiness of each Church, and every Member of it, to joyn in Communion with all other Churches in the Performance of Divine Worship, and all Holy Offices, as their Occasions required. To this Purpose Two Things were necessary. 1*st*, That every Church should keep her *Liturgy* free from all superstitious and idolatrous Worship, and not render her Assemblies for Holy Duties inaccessible by intrenching upon any Divine Rule, or making any unlawful Conditions of Communion. And how careful the ancient Church was in this Point, may be seen by any one that will peruse the Account I have lately given of the *Liturgy* of the ancient Churches in all the several Parts of it; where none of those superstitious and idolatrous Practices appear, that have so much divided the Church in later Ages, since the exorbitant Power of the *Romish* Church imposed so much upon the Credulity of Men in Points of Faith, and loaded their Consciences so heavily in Matters of unwarrantable Practice. 2. It was necessary that every Christian, when he came to a foreign Church, should readily comply with the innocent Usages and Customs of that Church where he happened to be, though they might chance in some Circumstances to differ from his own. This was a necessary Rule of Peace, to preserve the Unity of Communion and Worship throughout the whole Catholick Church. For it was impossible that every Church should have the same Rites and Ceremonies, the same Customs and Usages in all Respects, or

or even the ſame Method and Manner of Worſhip exactly agreeing in all Punctilio's with one another, unleſs there had been a general *Liturgy* for the whole Church expreſsly enjoyned by Divine Appointment. The Unity of the Catholick Church did not require this (as we ſhall ſee more plainly by and by) and therefore no one ever inſiſted upon this as any neceſſary Part of its Unity: It was enough that all Churches agreed in the Subſtance of Divine Worſhip; and for Circumſtantials, ſuch as Rites and Ceremonies, Method and Order, and the like, every Church had Liberty to judge and chuſe for herſelf by the Rules of Expediency and Convenience: And then, as it was the Duty of every Member of any particular Church to comply with the innocent Cuſtoms of his own Church, in order to hold free Communion with her; ſo it was the Duty of every Chriſtian to comply with the different Cuſtoms of all other Churches, wherever he happened to travel, in order to hold Communion with the Catholick Church in all Places without Exception. This Rule is often inculcated by St. *Auſtin*, as the great Rule of Peace and Unity with regard to all Churches: And he tells us, He received it as an Oracle from the wiſe and moderate Diſcourſes of St. *Ambroſe*, whom he conſulted upon the Occaſion of a Scruple, which had poſſeſs'd the Heart of his Mother *Monicha*, and for ſome Time greatly perplexed her. She having lived a long Time at *Rome*, was uſed to faſt on *Saturday*, or the *Sabbath*, according to the Cuſtom of the Church of *Rome*: But when ſhe came to *Milan*, ſhe found the contrary Cuſtom prevailing, which was to keep *Saturday* a Feſtival: And being much diſturbed about this, her Son, though he had not much Concern about ſuch Matters at that Time, for her Eaſe and Satisfaction, conſulted St. *Ambroſe*

upon the Point, to take his Advice and Direction how to govern herſelf in this Caſe, ſo as to be inoffenſive in her Practice. To whom St. *Ambroſe* anſwered, That he could give no better Advice in the Caſe, than to do as he himſelf was wont to do: For, ſaid he, when I am here [o], I do not faſt on the *Sabbath*; when I am at *Rome*, I faſt on the *Sabbath*: And ſo you, whatever Church you come to, obſerve the Cuſtom of that Church, if you would neither take Offence at them, nor give Offence to them. St. *Auſtin* [p] ſays, This Anſwer ſatisfied his Mother, and he always looked upon it as an Oracle ſent from Heaven. He adds moreover, That he had often experienced with Grief and Sorrow the Diſturbance of weak Minds, occaſioned either by the contentious Obſtinacy of certain Brethren, or by their own ſuperſtitious Fears, who in Matters of this Nature, which can neither be certainly determined by the Authority of Holy Scripture, nor by the Tradition of the Univerſal Church, nor

[o] Aug. Ep. 86. Ad Caſulan. Quando hic ſum, non jejuno Sabbato; quando Romæ ſum, jejuno Sabbato: Et ad quamcunque Eccleſiam veneritis, ejus Morem ſervate, ſi pati ſcandalum non vultis, aut facere. [p] Aug. Ep. 118. ad Januar. Hoc cum Matri renunciaſſem, libenter amplexa eſt. Ego vero de hac ſententia etiam atque etiam cogitans, ita ſemper habui, tanquam eam cœleſti Oraculo ſuſceperim. Senſi enim ſæpe dolens & gemens multas infirmorum perturbationes fieri, per quorundam fratrum contentioſam Obſtinationem, vel ſuperſtitioſam Timiditatem, qui in rebus hujuſmodi, quæ neque Scripturæ ſanctæ auctoritate, neque Univerſalis Eccleſiæ traditione, neque vitæ corrigendæ utilitate ad certum poſſunt terminum pervenire (tantum quia ſubeſt qualiſcunque ratiocinatio cogitantis, aut quia in ſua Patria ſic ipſe conſuevit, aut quia ibi vidit, ubi Peregrinationem ſuam, quo remotiorem à ſuis, eo doctiorem factam putat) tam litigioſas excitant quæſtiones, ut niſi quod ipſi faciunt, nihil rectum exiſtiment.

nor by any Advantage in the Correction of Life, raiſe ſuch litigious Queſtions, as to think nothing right but what themſelves do; only becauſe they were uſed to do ſo in their own Country, or becauſe a little ſhallow Reaſon tells them it ought to be ſo, or becauſe they have perhaps ſeen ſome ſuch Thing in their Travels, which they reckon the more learned, the more remote it is from their own Country. Thus he handſomely and elegantly reflects upon the ſuperſtitious Folly, and contentious Obſtinacy of ſuch as diſturbed the Church's Peace for ſuch Things as every Church had Liberty to uſe, and every good Chriſtian was obliged to comply with. For, as he ſays, in the ſame Place, all ſuch Cuſtoms as varied in the Practice of different Churches, as, That ſome faſted on the *Saturday*, and others did not; Some received the *Euchariſt* every Day, others on the *Sabbath* and *Lord's-Day*, and others on the *Lord's-Day* only; and whatever elſe there was of this Kind, they were all Things of free Obſervation [*q*]: And in ſuch Things there could be no better Rule for a grave and prudent Chriſtian to walk by, than to do as the Church did, wherever he happened to come. For whatever was enjoined, that was neither againſt Faith nor Good Manners, was to be held indifferent, and to be obſerved according to the Cuſtom, and for the Convenience of the Society among whom we live.

[*q*] Ibid. Totum hoc genus rerum liberas habet Obſervationes: Nec Diſciplina ulla eſt in his melior, gravi prudentique Chriſtiano, quam ut eo modo agat, quo agere viderit Eccleſiam ad quamcunque forte devenerit. Quod enim neque contra Fidem, neque contra bonos mores injungitur, indifferenter eſt habendum, & pro eorum inter quos vivitur Societate ſervandum eſt.

This he repeats over and over again [r], as the moſt ſafe Rule of Practice in all ſuch Things, wherein the Cuſtoms of Churches varied, That wherever we ſee any Things appointed, or know them to be appointed, that are neither againſt Faith nor Good Manners, and have any Tendency to Edification, and to ſtir Men up to a good Life, we ſhould not only abſtain from finding Fault with them, but follow them both by our Commendation and Imitation. By this Rule all wiſe and peaceable Men always governed their Practice in holding Communion with other Churches: Though they did not altogether like their Cuſtoms, they did not break Communion with them upon that account. Thus *Irenæus* [s] obſerves to Pope *Victor*, when he was raſhly going to excommunicate the *Aſiatick* Churches for their different Way of obſerving *Eaſter*, That his Predeceſſor *Anicetus* was far from this uncharitable Temper. For when *Polycarp* came to *Rome*, though they could not come to a perfect Agreement in this Point, to have all the Churches obſerve *Eaſter* on the ſame Day; yet this Difference made no Contention between them. For they gave each other the Kiſs of Peace, and communicated together; *Anicetus* paying *Polycarp* the cuſtomary Civility and Reſpect, to let him conſecrate the *Euchariſt* in his Church. *Irenæus* obſerves farther,

[r] Aug. Ep. 119. ad Januarium. cap. 18. De iis quæ varie per diverſa loca obſervantur, una in his ſaluberrima Regula retinenda eſt, ut quæ non ſunt contra Fidem, neque contra bonos mores, & habent aliquid ad exhortationem vitæ melioris, ubicunque inſtitui videmus, vel inſtituta cognoſcimus, non ſolum non improbemus, ſed etiam laudando & imitando ſectemur, ſi aliquorum Infirmitas non ita impedit, ut majus detrimentum ſit. [s] Ap. Euſeb. Lib. 5. cap. 24.

ther, That though there were many Diſputes then on Foot concerning the Time, and Length, and Manner of obſerving the *Ante-paſchal* or *Lent* Faſt; yet all Churches agreed to live in Peace and Union with one another: And the Difference of their Faſts ſerved only to commend the Unity of their Faith. And becauſe it was then a cuſtomary Thing for Churches of different Countries to ſend the *Euchariſt* mutually to each other, to teſtify that they were in Communion with one another; he notes it likewiſe as a peculiar Inſtance of the Catholick Tempers of the Biſhops of *Rome*, *Anicetus*, *Pius*, *Hyginus*, *Teleſphorus*, *Xyſtus* and *Soter*, who were *Victor*'s Predeceſſors in that Church, That though they differed from the *Aſiatick* Churches about *Eaſter*, yet they lived in Peace with them; not only receiving the Members of thoſe Churches into Communion, when they came to *Rome*, but alſo ſending the *Euchariſt* from *Rome* to thoſe Churches. Which being ſo common a Way of teſtifying their Communion with diſtant Churches in thoſe Days, it was a very juſt Complaint which *Chryſoſtom* made againſt *Theophilus*, Biſhop of *Alexandria*, and his Accomplices, That when they came to *Conſtantinople*, they came not to Church, according to Cuſtom and ancient Law; they joyned not themſelves to him, nor communicated with him [*t*] in the Word or Prayer, or the Communion of the *Euchariſt*; but as ſoon as they landed, paſſing by the Church, they took their Lodging in an Inn, when the Biſhop's Houſe was ready prepared to entertain them. This he complains of as a ſingular Inſtance of their Enmity, Faction, and uncharitable Spirit, in refuſing to communicate with him, before any formal Accuſation

[*t*] Chryſ. Ep. ad Innocent. Tom. 4. p. 677.

ſation had been brought againſt him, much leſs any legal Sentence of Condemnation pronounced upon him. By this Account of Things it is eaſy to judge, what ſtreſs the Ancients laid upon the Laws of Communion, obliging every Church to communicate with her Siſter Churches over all the World in all holy Offices, in order to preſerve the Communion of Worſhip one entire Thing throughout the whole Catholick Church, without any notorious Diviſion or Diſtraction.

Sect. 11. 4thly. *In mutual Conſent to ratifie all legal Acts of Diſcipline, regularly exerciſed in any Church whatſoever.*

4. THE Communion of the whole Catholick Church was farther declared by the Obligation of ſuch Laws, as laid a neceſſary Injunction upon all Churches to ratifie all ſuch legal Acts of Diſcipline, as were regularly exerciſed in any Church whatſoever. Thus if any Perſon was duly baptized, and thereby admitted to be a Member of any Particular Church, that Qualification gave him a Right to communicate in any Part of the Catholick Church, travelling with Commendatory Letters from the Biſhop of his own Church, to ſignify that he was in perfect and full Communion with her, and not caſt out for any Offence againſt the Rules of her Communion. This is what *Optatus* means, when he ſays [*u*], That the whole World was united together in one common Society, or Society of Communion, by the mutual Commerce of thoſe Canonical or Communicatory Letters, which they called *Formatæ*: Becauſe theſe teſtifying that he was in the Communion of his own Church, by the known Laws

[*u*] Optat. Lib. 2. p. 48. Totus orbis commercio Formatarum in una Communionis ſocietate concordat.

Laws and Rules of Diſcipline, gave him a Title to communicate in any other Church whatſoever, only obſerving the Rites and Cuſtoms of that Church whither his Occaſions happened to call him. So again, if a Man was legally excommunicated for his Crimes by his own Church, no Church would receive him to Communion, till he had given proper Satisfaction to his own Church, which had bound him by her Cenſures. Such a perfect good Underſtanding and Harmony was there then among all the Parts of the whole Catholick Church, in confirming each others Diſcipline, and mutually ſtrengthning their Authority againſt all Enemies of Faith and Vertue, whether they were ſuch as tried by open Violence and Terror, or by ſecret Arts and clandeſtine Practices to get Admiſſion, in Oppoſition to the Church whoſe Cenſures they lay under. No Church would admit them without Communicatory Letters: If they were Rebels to their own Church, they were accounted Rebels to the Whole. Thus *Epiphanius* [x] tells us, when *Marcion* the Heretick was excommunicated by his own Father, and deſired to be received into Communion at *Rome*, they anſwered him, That they could not do it, without the Permiſſion of his Father. For there was but one Faith, and one Rule of Concord; and they could not do any Thing in Oppoſition to their good Fellow-ſervant, and his Father. This Repulſe was highly reſented by *Marcion*, and it put him upon thoſe wicked Deſigns of inventing a new Hereſy to diſturb the Church: For he told them directly in Revenge, That he would divide their Church, and bring an eternal Schiſm into it. Which, as *Epiphanius* right-

[x] Epiphan. Hær. 42. Marcion. n. 1.

ly obſerves, was not ſo much to divide the Church, as to divide himſelf from it. There are a great many other Inſtances of the Churches Steddineſs and Reſolution in thus Proceeding againſt Delinquents, to maintain the Unity of Diſcipline entire in all Parts of the Eccleſiaſtical Body, and Abundance of Canons to this Purpoſe; which, becauſe I ſhall have Occaſion to ſpeak more of hereafter [*], I willingly omit them in this Place, and go on to obſerve another Inſtance of the Churches Unity in Point of Practice: Which was,

Sect. 12. *In receiving unanimouſly the Cuſtoms of the Univerſal Church, and ſubmitting to the Decrees of General Councils.*

5. THAT all Churches generally agreed in receiving ſuch Cuſtoms as were handed down by general Conſent from Apoſtolical Tradition, or otherwiſe ſettled and determined by the Decrees of General Councils. For theſe two Ways many Cuſtoms became in a manner Univerſal, and almoſt of neceſſary Obſervance in the Church over all the World: And then for any private Man or Church to diſpute againſt them, was to give Scandal to the Reſt of the World, and bring Diſturbance into the Church by an unneceſſary and unreaſonable Oppoſition to Things innocent in themſelves, and ſettled by general Conſent and Approbation. St. *Auſtin* takes Notice of this double Source and Original of general Cuſtoms in the Church, for which though there be no Expreſs Command in Scripture, yet a great Deference ought to be paid to the general Sentiments and Authority, and Practice and Obſervation of the whole Church. Thoſe Things, ſays he, which

[*] Chap. ii. n. 10.

which we keep [y], not from Scripture, but from Tradition, and which are obſerved over all the World, are reaſonably ſuppoſed to have come down to us recommended and appointed either by the Apoſtles themſelves, or by ſome Plenary Councils, whoſe Authority is of great Uſe in the Church; ſuch as the celebrating the Anniverſary Memorial of our Saviour's Paſſion, and Reſurrection, and Aſcenſion, and the Deſcent of the Holy Ghoſt from Heaven, and whatever elſe of the like Nature is obſerved by the Univerſal Church in all Parts, wherever it ſpreads itſelf all the World over. Concerning which ſort of Things, he concludes, That [z] for any Man to diſpute againſt them, was moſt inſolent Madneſs, ſeeing they were authorized by the Practice of the Univerſal Church. He particularly applies this Rule to the Caſe of obſerving the *Lord's-Day* [a] not as a Faſt, but as a Feſtival: For ſince the whole Church obſerved it as a Feſtival, no one could turn that Day into a Faſt, without offending GOD, by giving Scandal to the Church Univerſal: There being both general Cuſtom and Canon [b] againſt it. For the ſame

[y] Aug. Ep. 118. ad Januar. Illa autem quæ non ſcripta, ſed tradita cuſtodimus, quæ quidem toto terrarum orbe obſervantur, dantur intelligi vel ab ipſis Apoſtolis, vel plenariis Conciliis, quorum in Eccleſia ſaluberrima authoritas, commendata atque ſtatuta retineri: Sicuti quod Domini Paſſio & Reſurrectio & Aſcenſio in cœlum, & adventus de cœlo Spiritus Sancti, anniverſaria ſolennitate celebrantur, & ſi quid aliud tale occurrerit, quod ſervatur ab univerſa, quacunq; ſe diffundit, Eccleſia. [z] Ibid. Si quid horum tota per orbem frequentat Eccleſia, quin ita faciendum ſit, diſputare, inſolentiſſimæ inſaniæ eſt.

[a] Aug. Ep. 86. ad Caſulan. Quis non Deum offendet, ſi velit cum ſcandalo totius, quæ ubiq; dilatata eſt, Eccleſiæ, die Dominico jejunare? [b] Vide Can. Apoſt. 64. Conc. Gangren. can. 18. Conc. Carthag. 4. can. 64. Conc. Bracar. 1. can. 4.

ſame Reaſon it was eſteemed a Crime to pray kneeling on that Day, becauſe the Practice of the Univerſal Church was to pray ſtanding [*c*] in Memory of our Saviour's Reſurrection; and the Council of *Nice* thought it a Thing worthy of a Decree to bring all Men to an Uniformity in that Practice. As ſhe did alſo in the Matter of obſerving the *Eaſter* Feſtival, making a Rule that all Churches ſhould celebrate it on one and the ſame Day, becauſe it was unlawful that in a Buſineſs of ſo great Moment, and the religious Obſervation of ſuch a Feſtival, there ſhould be any Diſſenſion, as *Conſtantine* expreſſes it in his Epiſtle [*d*] which he ſent to all the Churches in the World upon this Occaſion. So that though ſeveral Churches had kept this Feſtival on different Days before this Decree was made, yet when it was once paſt, there was no more Liberty for Diſſenſion.

Sect. 13. *6thly, In ſubmitting to the Decrees of National Councils.*

6. THE like may be obſerved of the Decrees of National Councils, when once the *Roman* Empire was divided into ſeveral Kingdoms. A great many Things were at firſt allowed to every Biſhop in the Management of his own Dioceſe, which were afterwards reſtrained by the Decrees of National Councils. As to inſtance only in one Particular: Every Biſhop anciently had Liberty to frame his own *Liturgy* for the Uſe of his own Church: But in Proceſs of Time, when the World was divided into ſeveral Kingdoms, Rules were made that all the Churches of ſuch or ſuch a Kingdom ſhould have one

[*c*] Vid. Tertul. de Coron. Mil cap. 3. & Conc. Nic. can. 20.
[*d*] Ap. Euſeb. de Vita Conſt. Lib. 3. cap. 18.

one and the ſame *Liturgy*. Thus when *Spain* and *Gallia Narbonenſis* became one diſtinct Kingdom, a Decree was made, That as there was but one Faith, ſo there ſhould be but one *Liturgy* or Order of Divine-Service throughout the whole Kingdom. The Fourth Council of *Toledo* under the Reign of King *Siſenandus* made an expreſs Canon [*e*] to this Purpoſe: After the Confeſſion of the true Faith, which is preached in the holy Church of GOD, it ſeemed good, that all we Biſhops, who are joined together in the Unity of the Catholick Faith, ſhould henceforth uſe no Diverſity or Diſagreement in the Adminiſtration of the Eccleſiaſtical Myſteries; leſt every ſuch Diverſity be interpreted a Schiſm among us by carnal Men, and ſuch as are unknown to us, and the Variety of Cuſtoms in our Churches become a Scandal to many. Let one Order therefore of Prayers and Pſalmody be obſerved by us throughout all *Spain* and *Gaule*; One Manner of celebrating Maſs, or the Communion-Service; and one Manner of performing *Veſpers*, or Evening-Service: And let there henceforth be no Diverſity in our Eccleſiaſtical Cuſtoms, ſeeing we all live in one Faith and in one Kingdom. That Canon alſo refers to more

[*e*] Conc. Tolet. 4. can. 2. Poſt rectæ Fidei Confeſſionem, quæ in ſancta Dei Eccleſia prædicatur, placuit, omnes ſacerdotes, qui Catholicæ Fidei Unitate complectimur, ut nihil ultra diverſum aut diſſonum in Eccleſiaſticis Sacramentis agamus; ne quælibet noſtra diverſitas apud ignotos ſeu carnales Schiſmatis errorem videatur oſtendere, & multis extet in ſcandalum varietas Eccleſiarum. Unus ergo Ordo orandi atq; pſallendi, a nobis per omnem Hiſpaniam atq; Galliciam (leg. Galliam) conſervetur: Unus modus in Miſſarum ſolennitatibus, unus in Veſpertinis Officiis: Nec diverſa ſit ultrà in nobis Eccleſiaſtica Conſuetudo, quia in una Fide continemur & Regno. Hoc enim & antiqui Canones decreverunt. &c.

more ancient Canons, requiring Uniformity in Divine Worſhip throughout Provincial Churches. And it is moſt certain, that about this Time, that is, in the ſixth and ſeventh Centuries, and before, Decrees were made in ſeveral Councils, requiring the Churches of each reſpective Province to conform their Uſages to the Rites and Forms of the Metropolitical or Principal Church among them. As may be ſeen in the Canons of the Councils of *Agde*, an. 506. [*f*] and *Epone* and *Girone*, an. 517. [*g*] and the Council of *Vannes* [*h*] and the firſt of *Braga* [*i*], an. 465 and 563. For though by the moſt ancient Rules every Biſhop had Liberty to preſcribe what he thought proper for his own Church, and no Church pretended to dictate magiſterially in ſuch Things to any other; yet when Churches became ſubject to one Political Head, and National Churches aroſe from that Diſtinction; then it was thought convenient by all the Biſhops of ſuch a Nation to unite more cloſely in Rituals and Circumſtantials of Divine Worſhip, as well as Faith and Subſtantials: And from that Time this alſo became a neceſſary Part of the Union of National Churches; in which all the Biſhops voluntarily combining, no one could depart from that Unity, without incurring the Guilt of an unneceſſary Breach of that Union, which was ſo convenient for cementing the ſeveral Members of a National Church into one Communion.

THUS

[*f*] Conc. Agathen. can. 30. [*g*] Conc. Epaunenſe. can. 27. Conc. Gerund. can. 1. [*h*] Conc. Veneticum. can. 15. [*i*] Conc. Bracaren. 1. can. 19, 20, 21, &c.

Sect. 14.
No Neceſſity of a Viſible Head to unite all the Parts of the Catholick Church into one Communion.

THUS we have ſeen, wherein the Unity of the Catholick Church, conſidered in its utmoſt Latitude, conſiſted. And hence one might ſafely infer theſe two Things Negatively without any farther Evidence: 1*ſt*, That there was no Neceſſity of a Viſible Head, as now is pretended in the Church of *Rome*, to unite all the Parts of the Catholick Church into one Communion. Nor 2*dly*, Any Neceſſity that the whole Catholick Church ſhould agree in all Rites and Ceremonies and Cuſtoms in indifferent Things, which might be various in different Churches without any Breach of Catholick Communion. The former of theſe was ſufficiently provided for by the Agreement of all Churches in the ſame Faith, and the Obligation that lay upon the whole College of Biſhops, as equal Sharers in one Epiſcopacy, to give mutual Aſſiſtance to each other in all Things that were neceſſary to defend the Faith, or preſerve the Unity of the Church entire in all Reſpects, when any Aſſault was made upon it. It was by this Means, and not by any neceſſary Recourſe to any ſingle, viſible, ſtanding Head, that anciently the Unity of the Church was preſerved. Recourſe was ſometimes had to the Biſhop of *Rome*, as an eminent Biſhop, who made a conſiderable Figure in the great Body of Biſhops, and one who by his Station in the Imperial City might be able to ſuccour thoſe that were oppreſſed in Times of great Difficulty and Diſtreſs: But his Judgment or Opinion was deemed no infallible Rule, nor his Deciſion ſuch as was to conclude the Reſt of the World, ſo as to tie them down, in no Caſe without the Charge of Schiſm to vary from him. For ſometimes the Biſhop of *Rome* fell into manifeſt Hereſy, as when

Liberius

Liberius ſubſcribed the *Arian* Blaſphemy: In which Caſe any other Biſhop was not only at Liberty to diſſent from him, but was obliged by Virtue of his Share in the common Epiſcopacy of the Church, to oppoſe him, and if Occaſion required, to pronounce *Anathema* againſt him; as St. *Hilary* did againſt *Liberius* [*k*] when he ſubſcribed to the Condemnation of *Athanaſius*, and the *Arian-Creed* made at *Sirmium*. Sometimes again the Biſhops of *Rome* took upon them to exerciſe a Juriſdiction over other Churches, in whoſe Affairs by Right of Canon they had no Power: As when Pope *Victor* ſet himſelf to excommunicate the *Aſiatick* Churches for their different way of obſerving *Eaſter*, he was oppoſed not only by the *Aſiatick* Biſhops, but by *Irenæus* and the Reſt of the World, as going beyond his Bounds, and ingaging himſelf in a raſh and ſchiſmatical Undertaking. For he, who by an undue ſtretch of Power not belonging to him, divides others from his Communion, is properly the Schiſmatick, by making an unneceſſary Diviſion in the Church, and not they who by Neceſſity are forced to divide from him. So again when Pope *Zoſimus* and *Celeſtine* took upon them to receive Appellants from the *African* Churches, and abſolve thoſe whom they had condemned; St. *Auſtin* and all the *African* Churches ſharply remonſtrated againſt this as an illegal Practice, violating the Laws of Unity, and the ſettled Rules of Eccleſiaſtical Commerce, which required that no Delinquent excommunicated in one Church ſhould be abſolved in another, without giving Satisfaction to his own Church that cenſured him: And therefore

[*b*] Hilar. Fragment. p. 134. Anathema tibi a me dictum, Liberi, & ſociis tuis. Iterum tibi Anathema, & tertio, Prævaricator Liberi.

fore to put a ſtop to this Practice, and check the exorbitant Power which the *Roman* Biſhops aſſumed to themſelves, they firſt made a Law in the Council of *Milevis* [*l*], That no *African* Clerk ſhould appeal to any Church beyond-Sea, under Pain of being excluded from Communion in all the *African* Churches: And then afterward meeting in a General Synod [*m*] they diſpatched Letters to the Biſhop *Rome*, to remind him how contrary this Practice was to the Canons of *Nice*, which ordered, That all Controverſies ſhould be ended in the Places where they aroſe, before a Council and the Metropolitan. And they withal tell him, It was unreaſonable to think, that GOD ſhould enable a ſingle Perſon to examine the Juſtice of a Cauſe, and deny his Grace to a Multitude of Men aſſembled in Council. This evidently ſhews, That they did not imagine any ſingle Perſon to be the Centre of Unity to the whole Church; or that all Churches were obliged to be in Communion with the Biſhop of *Rome*, whether he were Catholick or Heretick; or that any Church, without the Limits of his Metropolitical Power, was bound in any Reſpect to ſubmit to his Juriſdiction: But it manifeſtly proves on the contrary, That there was no Neceſſity of a Viſible Head, as is now pretended in the Church of *Rome*, to unite all the Parts of the Catholick Church into one Communion; but that in Matters of Faith, every Biſhop was as much a Guardian of the whole Church as the Biſhop of *Rome*; and in Matters of Diſcipline, all Churches were at Liberty to hear and determine their own Cauſes in a Synod of Biſhops, without having Recourſe

[*l*] Conc. Milevitan. can. 22. [*m*] Cod. Can. Afric. à cap. 135. ad. 138.

Recourſe to any foreign Juriſdiction, as has been more fully demonſtrated in other Parts of this Work [*], to which I refer the Reader for greater Satisfaction.

Sect. 15.
Nor any Neceſſity that the whole Church ſhould agree in the ſame Rites and Ceremonies, which were Things of an indifferent Nature.

2*dly*, IT is equally clear, That there was nø Neceſſity, in order to maintain the Unity of the Catholick Church, that all Churches ſhould agree in all the ſame Rites and Ceremonies; but every Church might enjoy her own Uſages and Cuſtoms, having Liberty to preſcribe for herſelf in all Things of an indifferent Nature, except where either an univerſal Tradition, or the Decree of ſome General or National Council (as has been noted before) intervened to make it otherwiſe. To this Purpoſe is that famous Saying of *Irenæus* [*n*] upon Occaſion of the different Cuſtoms of ſeveral Churches in obſerving the *Lent*-Faſt: We ſtill retain Peace one with another: and the different Ways of keeping the Faſt, only the more commends our Agreement in the Faith. St. *Jerom* likewiſe ſpeaking of the different Cuſtoms of Churches in Relation to the *Saturday*-Faſt, and the Reception of the *Euchariſt* every Day, lays [*o*] down this general Rule, That all Eccleſiaſtical Traditions, which did no ways prejudice the Faith, were to be obſerved in ſuch

[*] Book II. Chap. v. and Book IX. Chap. i. n. 11.

[*n*] Ap. Euſeb. Lib. 5. cap. 24. Πάντες εἰρηνεύομεν πρὸς ἀλλήλους· καὶ ἡ διαφωνία τῆς νηστείας τὴν ὁμόνοιαν τῆς πίστεως συνίστησι. [*o*] Hieron. Ep. 28. ad Lucinium Bœticum. Ego illud te breviter admonendum puto, Traditiones Eccleſiaſticas (præſertim quæ Fidei non officiant) ita obſervandas, ut à Majoribus traditæ ſunt: Nec aliorum Conſuetudinem aliorum contrario more ſubverti — Sed unaquæque Provincia abundet in ſuo ſenſu, & Præcepta majorum Leges Apoſtolicas arbitretur.

ſuch Manner as we had received them from our Fore-fathers; and the Cuſtom of one Church was not to be ſubverted by the contrary Cuſtom of another; but every Province might abound in their own Senſe, and eſteem the Rules of their Anceſtors as Laws of the Apoſtles. After the ſame Manner, St. *Auſtin* [p] ſays, That in all ſuch Things, whereabout the Holy Scripture has given no poſitive Determination, the Cuſtom of the People of GOD, or the Rules of our Fore-fathers, are to be taken for Laws. For if we diſpute about ſuch Matters, and condemn the Cuſtom of one Church, by the Cuſtom of another, that will be an eternal Occaſion of Strife and Contention; which will always be diligent enough to find out plauſible Reaſonings, when there are no certain Arguments to ſhew the Truth. Therefore great Caution ought to be uſed, that we draw not a Cloud over Charity, and eclipſe its Brightneſs in the Tempeſt of Contention. He adds, a little after: Such Contention is commonly endleſs, engendring Strifes, and terminating no Diſputes. Let us therefore maintain one Faith [q] throughout the whole Church, where-ever it is ſpread, as intrinſical to

[p] Aug. Ep. 86. ad Caſulan. In his rebus, de quibus nihil certi ſtatuit Scriptura Divina, mos populi Dei vel Inſtituta majorum pro Lege tenenda ſunt. De quibus ſi diſputare voluerimus, & ex aliorum Conſuetudine alios improbare, orietur interminata luctatio, quæ labore ſermocinationis cum certa documenta nulla veritatis inſinuet; utique cavendum eſt, ne tempeſtate Contentionis ſerenitatem Charitatis obnubilet.

[q] Aug. ibid. Interminabilis eſt iſta Contentio, generans Lites, non finiens Quæſtiones. Sit ergo una Fides univerſæ, quæ ubique dilatatur, Eccleſiæ, tanquam intus in Membris, etiam ſi ipſa Unitas Fidei quibuſdam diverſis Obſervationibus celebratur, quibus nullo modo quod in Fide verum eſt impeditur

the Members of the Body, although the Unity of Faith be kept with ſome different Obſervations, which in no ways hinder or impair the Truth of it. For all the Beauty of the King's Daughter is within, and thoſe Obſervations which are differently celebrated, are underſtood only to be in her outward Clothing. Whence ſhe is ſaid to be clothed in golden Fringes wrought about with divers Colours. But let that Clothing be ſo diſtinguiſhed by different Obſervations, as that ſhe herſelf may not be deſtroyed by Oppoſitions and Contentions about them. This was the ancient Way of preſerving Peace in the Catholick Church, To let different Churches, which had no Dependance in Externals upon one another, enjoy their own Liberty to follow their own Cuſtoms without Contradiction. For as *Gregory* [r] *the Great* ſaid to *Leander* a *Spaniſh* Biſhop, There is no Harm done to the Church Catholick by different Cuſtoms, ſo long as the Unity of the Faith is preſerved. And therefore tho' the *Spaniſh* Churches differed in ſome Cuſtoms from the *Roman* Church, yet he did not pretend to oblige them to leave their own Cuſtoms and Uſages, to follow the *Roman*. He gave a like Anſwer to *Auſtin* the Monk, Archbiſhop of *Canterbury*, when he asked him, What Form of Divine Service he ſhould ſettle in *Britain*, the old *Gallican*, or the *Roman*? And how it came to paſs, that when there was but one Faith, there were different Cuſtoms in different Churches; the *Roman* Church having one Form of Service, and the *Gallican* Churches

ditur. Omnis enim pulchritudo filiæ Regis intrinſecus; illæ autem Obſervationes, quæ variè celebrantur, in ejus veſte intelliguntur. Unde ibi dicitur, In fimbriis aureis circumamicta varietate. Sed ea quoque Veſtis ita diverſis celebrationibus varietur, ut non adverſis Contentionibus diſſipetur.

[r] Greg. Magn. Ep. 41. ad Leandrum. In una Fide nihil officit ſanctæ Eccleſiæ Conſuetudo diverſa.

Churches another? To this he reply'd [s], Whatever you find either in the *Roman* or *Gallican*, or any other Church, which may be more pleaſing to Almighty GOD, I think it beſt that you ſhould carefully ſelect it, and ſettle it in the Uſe of the *Engliſh* Church, newly converted to the Faith. For we are not to love Things for the ſake of the Place, but Places for the ſake of the good Things we find in them. Therefore you may collect out of every Church whatever Things are pious, religious and right; and putting them together, inſtill them into the Minds of the *Engliſh*, and accuſtom them to the Obſervation of them. And there is no queſtion but that *Auſtin* followed this Direction in his new Plantation of the *Engliſh* Church.

NEITHER was this Liberty granted to different Churches in bare Rituals, and Things of an indifferent Nature, but ſometimes in more weighty Points, ſuch as the receiving, or not receiving thoſe that were baptized by Hereticks and Schiſmaticks without another Baptiſm. This was a Queſtion long debated between the *African*, and *Roman*, and other Churches; yet without Breach of Communion, eſpecially on their Part who followed the moderate Counſels of *Cyprian*, who ſtill pleaded for

[s] Greg. Reſponſ. ad Quæſt. Aug. ap. Bedam. Lib. 1. cap. 27. & Gratian. Diſt. 12. cap. 10. Mihi placet, ut ſive in Romana, ſive in Galliarum, ſeu in qualibet Eccleſia aliquid inveniſti, quod plus omnipotenti Deo placere poſſit, ſollicitè eligas; & in Anglorum Eccleſia, quæ adhuc ad Fidem nova eſt, inſtitutione præcipua, quæ de multis Eccleſiis colligere potuiſti, infundas. Non enim pro Locis Res, ſed pro bonis Rebus Loca amanda ſunt. Ex ſingulis ergo quibuſque Eccleſiis, quæ pia, quæ religioſa, quæ recta ſunt elige, & hæc quaſi in faſciculum collecta, apud Anglorum mentes in Conſuetudinem depone.

the Liberty and Independency of different Churches in this Matter, leaving all Churches to act according to their own Judgment, and keeping Peace and Unity with thoſe that differed from him, as has been more fully ſhewed in a former Book [*], where we diſcourſe of the Indepedency of Biſhops, eſpecially in the *African* Churches.

THE Reader may find an Account of ſome other Queſtions in the ſame Place, as candidly and moderately debated among them, as the Queſtion about Clinick Baptiſm, and the Caſe of admitting Adulterers to Communion again, in which the Practice of the *African* Biſhops was often different from one another; but they neither cenſured each others Practice, nor brake Communion upon it. And ſometimes the ſame Moderation was obſerved in doctrinal Points of leſſer Moment. For as our learned and judicious Writers [*t*] have obſerved out of St. *Auſtin* [*u*], Beſides the neceſſary Articles of Faith, there are other Things about which the moſt Learned and exact Defenders of the Catholick Rule do not agree, without diſſolving the Bond of Faith. There are ſome Queſtions, in which [*x*] without any Detriment to the Faith that makes us Chriſtians, we may ſafely be ignorant of the Truth, or ſuſpend our Opinion, or conjecture what is falſe by human Suſpicion and Infirmity. As in the Queſtion

[*] Book II. Chap. vi. [*t*] Barrow, *Of the Unity of the church.* p. 299. Potter, *Anſwer to Charity miſtaken.* Sect. 3. p. 88. [*u*] Aug. cont. Julian. Pelag. Alia ſunt de quibus inter ſe aliquando doctiſſimi atq; optimi Regulæ Catholicæ defenſores, ſalva Fidei compage, non conſonant.

[*x*] Aug. de Peccat. Orig. cont. Pelag. & Celeſt. Lib. 2. cap. 23. Sunt Quæſtiones in quibus, ſalva Fide qua Chriſtiani ſumus, aut ignoratur quod verum ſit, & ſententia definitiva ſuſpenditur; aut aliter quam eſt, humana & infirma ſuſpicione conjicitur. Veluti cum quæritur, Qualis, aut ubi Paradiſus ſit. &c. Vid. Enchirid. cap. 59.

ſtion about Paradiſe, What Sort of Place it is, and where it was that GOD placed the firſt Man when he had formed him? Where now *Enoch* and *Elias* are, in Paradiſe, or ſome other Place? How many Heavens there are, into the third of which St. *Paul* ſays he was taken? With innumerable Queſtions of the like Nature, pertaining either to the ſecret Work of GOD, or the hidden Parts of Scripture, concerning which he concludes, that a Man may be ignorant of them without any Prejudice to the Chriſtian Faith, or err about them without any Imputation of Hereſy. This Conſideration made St. *Auſtin* profeſs in his Modeſty, That there were more Things in Scripture [y] which he knew not, than what he did know. And if Men ſhould fiercely diſpute about ſuch Things, and condemn one another for their Ignorance or Error concerning them, there would be no End of Schiſms and Diviſions in the Church. Therefore in ſuch Queſtions every Man was at Liberty to abound in his own Senſe, only obſerving this Rule of Peace, Not to impoſe his own Opinions magiſterially upon others, nor urge his own Sentiments as neceſſary Doctrines or Articles of Faith in ſuch Points, where either the Scripture was ſilent, or left every Man the Liberty of Opining.

Sect. 16. *What Allowance was made for Men who out of ſimple Ignorance brake Communion with one another.*

NAY, in ſome Caſes a little Allowance was made for Men of honeſt Minds, who brake Communion with one another. For ſometimes it happened, that good *Catholicks* were divided among themſelves out of Ignorance, and brake Communion with one another for mere Words, not underſtanding each others Sentiments. In

[y] Aug. Ep. 119. ad Januar. cap. 20. Etiam in ipſis ſanctis ſcripturis multo neſciam plura quam ſciam.

which Caſe all Wiſe and Moderate Men had a juſt Compaſſion for each Party, and laboured to compoſe and unite them, without ſeverely condemning either. *Nazianzen* [z] tells us, There was a Time when the Ends of the Earth were well nigh divided by a few Syllables. It was in a Controverſy about the Uſe of the Words τεία πρόσωπα, and τρεῖς ὑποστάσεις, in the Doctrine of the TRINITY. Each Party was Orthodox, and meant the ſame Thing under different Words; but not underſtanding one another's Senſe, they mutually charged each other with Hereſy. They who were for calling the Three Divine Perſons Three *Hypoſtaſes*, charged their Adverſaries as *Sabellians*; and they on the contrary returned the Charge of *Arianiſm* upon them, as thinking they had taken Three *Hypoſtaſes* in the *Arian* Senſe, for Three Eſſences or Subſtances of a different Nature. But the great and good *Athanaſius*, in his admirable Prudence and Candor, ſeeing into the falſe Foundation of theſe Diſputes, quickly put an End to them, by bringing them to a right Underſtanding of each other's Senſe, and allowing them to uſe their own Terms without any Difference in Opinion. And this, ſays our Author, was a more beneficial Act of Charity to the Church, than all his other daily Labours and Diſcourſes: It was more honourable than all his Watchings and Humicubations, and not inferior to his Flights and Exiles. And therefore he tells his Readers, in uſhering in the Diſcourſe, That he could not omit the Relation without injuring them, eſpecially at a Time when Contentions and Diviſions were in the Church; for this Action of his would be an Inſtruction to them that were then alive, and of great Advantage, if they would propound it to their own Imitation; ſince

[z] Naz. Orat. 21. de Laud. Athanaſ. T. 1. p. 396.

ſince Men were prone to divide not only from the Impious, but from the Orthodox and Pious, and that not only about little and contemptible Opinions (which ought to make no Difference) but even about Words that tended to the ſame Senſe, as was evident in the Caſe before them. Such was the Candor and Prudence of wiſe and good Men in labouring to compoſe the unneceſſary and verbal Diſputes of the *Orthodox*, when they unfortunately happened to claſh and quarrel without Grounds one with another.

AND they had ſome Regard likewiſe to Men of honeſt Minds, who through mere Ignorance or Infirmity were ingaged in greater Errors. For they made a great Diſtinction between *Hereſiarchs* and their Followers; between the Guides and the People; and between ſuch as were born and bred in the Church, and afterward apoſtatized into Hereſy, and thoſe that received their Errors from the Tradition and Seduction of their Parents. St. *Auſtin* [*a*] ſpeaking of this latter Sort, ſays, That they who defend not a falſe and perverſe Opinion with any pertinacious Animoſity, eſpecially if they did not by any audacious Preſumption of their own firſt invent it, but received it from the Seduction of their erring Parents, and were careful in their Enquiries after Truth, being ready to embrace it when they found it; that they were by no means to be reckoned among Hereticks. That

[*a*] Aug. Ep. 162. ad Epiſc. Donat. p. 277. Qui ſententiam ſuam, quamvis Falſam atque Perverſam, nulla pertinaci Animoſitate defendunt, præſertim quam non audacia Præſumptionis ſuæ pepererunt, ſed à ſeductis atque in errorem lapſis Parentibus acceperunt, quærunt autem cauta ſolicitudine Veritatem, corrigi parati cum invenerint, nequaquam ſunt inter Hæreticos deputandi.

is, they had not the Formality of Hereſy, which is Pride and Obſtinacy in Error; and therefore a more favourable Opinion might be conceived of them above others, who firſt founded Hereſies, or embraced them afterwards out of ſome vicious Corruption of Mind, having a greater Regard to their own Luſts, and Pleaſures of Unrighteouſneſs, than any ſincere Love for Truth. Though ſuch weak and injudicious Perſons could not be wholly excuſed from Error, or Schiſm, or Sin, yet in Compariſon of others their Caſe was thought capable of ſome proper Allowances: And therefore they were neither ſo ſeverely puniſhed in the Church here, nor reputed ſo great Objects of GOD's Diſpleaſure hereafter. For as *Salvian* [*b*] words it, in the Caſe of ſome who embraced the *Arian* Hereſy, They erred indeed, but they erred with a good Mind; not out of any Hatred to GOD, but with Affection to him, thinking thereby to honour and love the Lord. Although they had not the true Faith, yet they imagined this their Opinion to be perfect Charity towards GOD. And how they ſhall be puniſhed for this Error of their falſe Opinion in the Day of Judgment, no one knows but the Judge alone.

THIS

[*b*] Salvian. de Gubernat. Dei. Lib. 5. p. 154. Errant ergo, ſed bono animo errant; non Odio, ſed Affectu Dei, honorare ſe Dominum, atque amare credentes. Quamvis non habeant rectam Fidem, illi tamen hoc perfectam Dei æſtimant Charitatem. Qualiter pro hoc ipſo falſæ opinionis errore in die Judicii puniendi ſunt, nullus poteſt ſcire niſi Judex.

Sect. 17. *Of different Degrees of Unity; and that no one was esteemed to be in the perfect Unity of the Church, who was not in full Communion with her.*

THIS occasioned a little Distinction sometimes to be made between *Heresiarchs*, or the first Authors of Heresy, and those that were ignorantly drawn into Error by their Seducement and Delusions, as we shall see more in speaking of the Discipline and Censures of the Church. In the mean time, I observe, That because the Church could not ordinarily judge of Mens Hearts nor always know the Means and Motives that ingaged them in Error or Schism, she was forced to proceed commonly by another Rule, and judge of their Unity with her by their external Communion and Professions. And because there were several Sorts and Degrees of Unity, as we have seen before, so that a Man might be in the Communion of the Church in one Respect, and out of it in another; therefore the Church went by this Rule, to judge none to be in her perfect Unity, but such as were in full Communion with her. Upon which Account, though Hereticks and Schismaticks and excommunicate Persons and prophane Men were in some Sense of the Church, as having received Baptism, which they always retained, and as making Profession of some Part of the Christian Faith; yet because in other Respects they were broken off from her, they were not esteemed sound and perfect Members of the Body, but looked upon as withered and decayed Branches, for Want of such Unity in other Respects, as is necessarily required to denominate a Man a real and compleat Christian, which is a Title allowed to none but such as are in full Communion with the Church of CHRIST. This Distinction between Total and Partial Unity, and Total and Partial Schism,

Schiſm and Separation, is of great Uſe to make a Man underſtand all thoſe Sayings of the Ancients, which ſpeak of Hereticks and Schiſmaticks and excommunicate Perſons and profligate Sinners, as being in ſome Meaſure in and of the Church, at the ſame Time that they were reputed really and truly ſeparated from her. Thus *Optatus* tells the *Donatiſts* [c], That they were divided from the Church in Part, not in every Reſpect: For that was the Nature of a Schiſm, to be divided in Part, not totally cut aſunder. And that for very good Reaſon, becauſe both we and you have the ſame Eccleſiaſtical Converſation; though the Minds of Men be at Variance, the Sacraments do not vary. We have all the ſame Faith, we are all ſigned with the ſame Seal: We are no otherwiſe baptized than you are, nor otherwiſe ordained than you are. We all read the ſame *Divine Teſtament*, we all pray to the ſame GOD. The *Lord's-Prayer* is the ſame with us, as it is with you: But there being a Rent made (as was ſaid before) by the Parts hanging this way and that way, an Union was neceſſary to reſtore the whole to its Integrity. He repeats this again in other [d] Places: Both you and we have the ſame

[c] Optat. Lib. 3. p. 72. In parte veſtis adhuc unum ſumus, ſed in diverſa pendemus. Quod enim ſciſſum eſt, ex parte diviſum eſt, non ex toto conciſum. Et merito, quia nobis & vobis una eſt Eccleſiaſtica converſatio: Et ſi hominum litigant mentes, non litigant Sacramenta. Denique poſſumus & nos dicere, pares credimus, & uno ſigillo ſignati ſumus: Nec aliter baptizati quam vos: Nec aliter ordinati quam vos. Teſtamentum divinum legimus pariter: Unum Deum rogamus. Oratio Dominica apud nos & apud vos una eſt, ſed ſciſſura (ut ſupra diximus) facta, partibus hinc atque inde pendentibus, ſartura neceſſaria.

[d] Optat. Lib 5. p. 84. Denique apud vos & apud nos una eſt Eccleſiaſtica converſatio, communes Lectiones, eadem Fides, ipſa Fidei Sacramenta, eadem Myſteria.

ſame Eccleſiaſtical Converſation, the ſame common Leſſons, the ſame Faith, the ſame Sacraments of Faith, the ſame Myſteries. And upon this Score he frequently tells them they were their Brethren ſtill, whether they would or not. Though the *Donatiſts* hate us, ſays he [*e*], and abhor us, and will not be called our Brethren, yet we cannot depart from the Fear of GOD: They are without doubt our Brethren, though not good Brethren. Therefore let no one wonder, that I call them Brethren, who cannot be otherwiſe than our Brethren, ſeeing both they and we have one and the ſame ſpiritual Nativity, though our Actions are different from one another. Ye cannot but be our Brethren, ſays he again [*f*] to them, whom one Mother the Church hath born in the ſame Bowels of her Sacraments; whom one GOD, as a Father, hath received after one and the ſame manner, as adopted Children. We all pray, *Our Father which art in Heaven*: Whence you may perceive, That we are not totally ſeparated from one another, whilſt we pray for you willingly, and you pray for us, though againſt your Will. You may hence ſee,

[*e*] Lib. 1. p. 34. Quamvis nos odio habent, & execrentur, & nolunt ſe dici Fratres noſtros; tamen nos recedere à timore Dei non poſſumus. — Sunt igitur ſine dubio fratres, quamvis non boni. Quare nemo miretur, eos me appellare fratres, qui non poſſunt non eſſe fratres. Eſt quidem nobis & illis una ſpiritualis Nativitas, ſed diverſi ſunt actus, &c. *So in the Conference of* Carthage, die. 3. n. 233. *the Catholicks ſay*, Propter ſacramenta Frater eſt, ſive bonus ſive malus.

[*f*] Optat. Lib. 4. p. 77. Non enim non poteſtis eſſe fratres, quos iiſdem Sacramentorum viſceribus una Mater Eccleſia genuit; quos eodem modo adoptivos filios Deus Pater excepit. — Videtis nos non in totum ab invicem eſſe ſeparatos, dum & nos pro vobis oramus volentes; & vos pro nobis oretis, etſi nolentes. Vides, frater Parmeniane, ſancta germanitatis vincula inter nos & vos in totum rumpi non poſſe.

ſee, Brother *Parmenian*, that the ſacred Bonds of Brotherhood between us and you, cannot be totally broken aſunder. St. *Auſtin* always diſcourſes after the ſame manner concerning this Union in Part: In many Things ye are one [g] with us, in Baptiſm, in the *Creed*, and the reſt of GOD's Sacraments. And hence [h] he alſo concludes, that whether they would or no, they were their Brethren, and could not ceaſe to be ſo, ſo long as they continued to ſay, *Our Father*, and did not renounce their *Creed* and their *Baptiſm*. For there was no Medium between Chriſtians and Pagans. If they retained Faith, and Baptiſm, and the Common Prayer of the LORD, which teaches all Men to ſtile GOD their Father; ſo far they were Chriſtians: And as far as they were Chriſtians, ſo far they were Brethren, though turbulent and contentious, who would neither keep *the Unity of the Spirit in the Bond of Peace*, nor continue to be united in the Catholick Church with the reſt of their Brethren.

BY all this it is evident, 1. That there were different Degrees of Unity and Schiſm, according to the Proportion of which, a Man was ſaid to be more or leſs united to the Church, or divided from it. 2. That they who retained Faith, and Baptiſm, and the common Form of Chriſtian Worſhip, were in thoſe Reſpects one with the Church; though in other Reſpects, wherein their Schiſm conſiſted, they were divided from her. So they might

[g] Aug. Ep. 48. ad Vincent. p. 71. In multis eſtis nobiſcum, in Baptiſmo, in Symbolo, in cæteris Dominicis Sacramentis. In ſpiritu autem Unitatis, & vinculo Pacis, in ipſa denique Catholica Eccleſia nobiſcum non eſtis.

[h] Aug. in Pſal. 32. Concion. 2. p. 91. Velint, nolint, fratres noſtri ſunt, &c.

might be ſaid to be Brethren, and not Brethren; Sons of GOD, and not Sons of GOD; of the Houſe of GOD, and not of the Houſe of GOD; according to the different Acceptation of theſe Terms, and the different Proportion and Degrees of that Unity or Schiſm, whereby they were united to the Church, or ſeparated from her. 3. That to give a Man the Denomination of a true Catholick Chriſtian, abſolutely ſpeaking, it was neceſſary that he ſhould in all Reſpects, and in every Kind of Unity, be in perfect and full Communion with the Church; that is, in Faith, in Baptiſm, in Holineſs of Life, in Charity, in Worſhip and all holy Offices, and in all the neceſſary Parts of Government and Diſcipline: But to denominate a Man a Schiſmatick, it was ſufficient to break the Unity of the Church in any one Reſpect; though the Malignity of his Schiſm was to be interpreted more or leſs, according to the Degrees of the Separation that he made from her. And by theſe Rules it is eaſy for any one to underſtand, what the Ancients meant by Unity and Schiſm, and how the Diſcipline of the Church was exerciſed and maintained by obliging Men to live in perfect and full Communion with her, which I come now more particularly to explain and conſider.

CHAP.

CHAP. II.

Of the Diſcipline of the Church, and the various Kinds of it, together with the various Methods obſerved in the Adminiſtration of it.

Sect. 1.
That the Diſcipline of the Church did not conſiſt in cancelling or diſannulling any Man's Baptiſm.

THE Diſcipline of the Church being intended, as was obſerved before, only to preſerve the Unity and Purity of her own Members in one Communion, we are not to look for the Exerciſe of it upon any but ſuch as in ſome Meaſure made Profeſſion of being joined in Society with her; which were either baptized Perſons, or at leaſt Candidates of Baptiſm: For ſhe pretended not to exerciſe Diſcipline upon any other which were without, but ſuch only as were within the Pale, in the largeſt Senſe, by ſome Act of their own Profeſſion. And even upon theſe ſhe never pretended to exerciſe her Diſcipline ſo far, as to cancel or diſannul their Baptiſm, ſo as to oblige them to take a ſecond Baptiſm, if their firſt was good, in order to be admitted into the Church again, when for any Crime they were caſt out of it. For even Hereticks and Apoſtates, who made the greateſt Breach of Chriſtian Unity, were never ſo far divided from the Church, but that ſtill they retained ſome diſtant Relation to her by Baptiſm, whoſe Character was indelible, even in the greateſt Apoſtacy that can be imagined, even in the total Abjuration of the Chriſtian Faith: The Obligation of their Baptiſm ſtill lay upon them, and with what Severity ſoever they were treated in their Repentance, if ever they returned

returned to the Church again, there is no Inſtance of receiving them by a ſecond Baptiſm, which, if once lawfully given, was for ever after forbidden to be repeated upon any Account whatſoever. I will not ſtand to prove this here, becauſe I have had occaſion once or twice [*] before to ſpeak largely upon it; but only obſerve, That it was no Part of the Diſcipline of the Church to deny Men the Original Right they had in Baptiſm; and conſequently that the moſt formal Caſting them out of Communion was never intended to ſignify, that they were mere Heathens and Pagans, and that they could not be admitted again into the Church without a Repetition of their Baptiſm.

Sect. 2. *But in excluding Men from the common Benefits and Privileges conſequent to Baptiſm.*

BUT the Diſcipline of the Church conſiſted in a Power to deprive Men of all the Benefits and Privileges of Baptiſm, by turning them out of the Society and Communion of the Church, in which theſe Privileges were only to be enjoyed; ſuch as joining in Publick Prayer, and receiving the *Euchariſt*, and other Acts of Divine Worſhip: And ſometimes they were wholly forbidden to enter the Church, ſo much as to hear the Scriptures read, or hear a Sermon preached, till they ſhewed ſome Signs of relenting; and every one ſhunned and avoided them in common Converſation, partly to eſtabliſh the Churches Cenſures and Proceedings againſt them, and partly to make them aſhamed, and partly to ſecure themſelves from the Danger of Contagion and Infection.

THUS

[*] Book XII. Chap. v. *and Scholaſtical Hiſtory of Baptiſm.* Part II. Chap. vi.

Sect. 3.

This Power originally a mere ſpiritual Power, tho' in ſome Caſes the ſecular Arm was called in to give its Aſſiſtance.

THUS far the Church went in her Cenſures by her own natural Right and Power, but no farther: For her Power originally was a mere ſpiritual Power; Her Sword only a ſpiritual Sword, as *Cyprian* [*a*] terms it, To affect the Soul, and not the Body. Over the Bodies of Men ſhe pretended no Power; no nor yet over their Eſtates, except ſuch as were purely Eccleſiaſtical, and of her own Donation, to reſume what was her own Property and Gift from ſuch as were contumacious and rebellious againſt her Cenſures. In which Caſe ſhe ſometimes craved Aſſiſtance from the ſecular Power, even whilſt it was Heathen, and more frequently when it was become Chriſtian. Thus when the Council of *Antioch* had depoſed *Paulus Samoſatenſis*, and ſubſtituted *Domnus* in his Room, but could not remove him by any Power of their own from the Houſe belonging to the Church, which he ſtill kept Poſſeſſion of, they had Recourſe to *Aurelian* the Heathen Emperor, who did them Juſtice upon Appeal, ordering the Houſe to be delivered to thoſe, to whom the Biſhops of *Italy* and *Rome* ſhould write with Approbation. And ſo, ſays *Euſebius* [*b*], *Paul* was caſt out of the Church with the higheſt Diſgrace by the help of the ſecular Power. This was more common after the Emperors where become Chriſtians: For then they could with greater Liberty and Confidence appeal to them, and beg their Aſſiſtance upon ſuch Occaſions. And then Canons were made to

[*a*] Cypr. Ep. 62. al. 4. ad Pompon. p. 9. Spirituali Gladio ſuperbi & contumaces necantur, dum de Eccleſia ejiciuntur.

[*b*] Euſeb. Lib. 7. cap. 30. Μετὰ τῆς ἐχάτης αἰσχύνης ὑπὸ τῆς κοσμικῆς ἀρχῆς ἐξελαύνεται τῆς ἐκκλησίας.

to authorize ſuch Addreſſes, that the Cenſures of the Church might have their Effect and Force upon contumacious and obſtinate Offenders. Such an Order was made in the Council of *Antioch*, *An.* 341. in the Reign of *Conſtantius*, That if a Presbyter, who ſet up a ſeparate Meeting againſt his Biſhop, and was after Admonition depoſed for his Crime, ſtill continued obſtinately [*c*] to diſturb and ſubvert the Church, he ſhould be corrected by the external Power, that is, the Civil Magiſtrate, as a ſeditious Perſon. Such another Canon was made in the third Council of *Carthage* [*d*], in the Caſe of one *Creſconius*, an *African* Biſhop, who having left his own Biſhoprick, and intruded himſelf into another, where he ſtayed in ſpite of all Eccleſiaſtical Cenſures, Orders were given to petition the ſecular Magiſtrate by his Authority to remove him. And this Canon was inſerted as a general and ſtanding Rule into the *African* [*e*] *Code*. Where we have alſo a like Conſtitution [*f*] againſt ſuch Presbyters as ſet up new Biſhopricks in the Dioceſe of their own Biſhop without his Conſent: They were to be deprived and removed out of ſuch Places, as Rebels, ἀρχοντικῇ δυνατείᾳ, by the governing Power of the ſecular Magiſtrate. And in another Canon [*g*] mention is made of Letters to be ſent from the Synod to the Magiſtrates of *Africk*, to petition them to yield their Aſſiſtance to their common Mother, the Catholick Church, againſt the *Donatiſts*, for as much

[*c*] Conc. Antioch. Can. 5. Εἰ ὁ πρεσβύτερος σχίζων καὶ ἀνασατῶν τὴν ἐκκλησίαν, διὰ τῆς ἔξωθεν ἐξουσίας ὡς σασιώδη αὐτὸν ἐπιστρέφεσθω. [*d*] Conc. Carth. 3. can. 38. Dignemini dare fiduciam, qua, neceſſitate ipſa cogente, liberum ſit ad Præſidem Regionis adverſus illum accedere, ſecundum Conſtitutiones Cl. Imperatorum —— ut ſecularis Magiſtratus auctoritate prohibeatur. [*e*] Cod. Afric. can. 49. [*f*] Cod. Afric. can. 54. [*g*] Ibid. can. 68.

much as the Authority of Biſhops was contemned in every City. This Petition is more particularly explained in another Canon [*h*], which grants a Commiſſion to certain Biſhops to go as Legates in the Name of the Church, to the Emperors *Arcadius* and *Honorius*, and complain of the Violences offer'd by the *Donatiſts*, who had invaded many of their Churches, and kept them by Force; againſt which they deſired the Emperors to grant them a ſuitable Help by a Military Guard; it being no unuſual Thing, nor againſt the Scripture, to be protected, as St. *Paul* was, by a Band of Soldiers againſt the Conſpiracy of inſolent and factious Men. They requeſted alſo, That the Emperors would put in execution the Law, which *Theodoſius* their Father, of Pious Memory, had enacted againſt Hereticks, whereby every one that ordained, or was ordained by them, was amerced in the Sum of Ten Pounds of Gold. The Law they refer to, is ſtill extant in the *Theodoſian Code*, running in theſe Terms [*i*], "If Proof is made againſt any who are engaged in heretical Errors, that they either have ordained Clerks, or received the Office of a Clerk, a Mulct of Ten Pounds in Gold, is by our Order to be impoſed upon them: And the Place, in which any of theſe unlawful Things were attempted, if done by the Connivance of the Owner, ſhall be confiſcated. But if the Poſſeſſor was ignorant of the Matter, then he that rented the Farm, if he be a Freeman, ſhall forfeit Ten Pounds of Gold to the *Exchequer*; or if he be deſcended of a ſervile Condition, and cannot

[*h*] Cod. Afric. can. 93. al. 95. [*i*] Cod. Theod. Lib. 16. Tit. 5. de Hæreticis. Leg. 21. In Hæreticis erroribus quoſcunque conſtiterit vel ordinaſſe Clericos, vel ſuſcepiſſe Officium Clericorum, denis Libris auri viritim multandos eſſe cenſemus, &c.

" cannot bear the Penalty, then he ſhall be beaten " with Rods, and ſent into Baniſhment." This was that famous Penal Law of *Theodoſius* againſt all Hereticks in general, ſo often mentioned by St. *Auſtin*, and which he with the reſt of the *African* Fathers deſired *Honorius* to confirm, ſo as it might ſpecify and affect the *Donatiſts*, more particularly ſuch of them, as by open or ſecret Violence made Aſſaults upon the Catholick Church. They did not deſire that this Penalty ſhould be inflicted indifferently upon all the *Donatiſts*, but only ſuch as the *Circumcellions* and others, who in their mad Zeal and Fury committed violent Outrages againſt the *Catholicks*: But *Honorius* extended the Penalty to them all, and enforced the old Law of *Theodoſius* his Father by a new Law of his own, wherein the *Donatiſts* were particularly [*k*] named as Hereticks, who upon Conviction, or Confeſſion, were to be fined in the Sum of Ten Pounds of Gold, according to the Tenor of the former Law. No one better underſtood either the Reaſons or the Effects of this Law than St. *Auſtin*, and therefore it cannot be better explained than as *Gothofred* does it, in his Words. Now he writing to Count *Boniface*, an *African* Magiſtrate, gives this Account of it: Before thoſe Laws, ſays he [*l*], were ſent into

[*k*] Cod. Theod. Lib. 16. Tit. 5. Leg. 39. Donatiſtæ ſuperſtitionis hæreticos, quocunque loci, vel fatentes, vel convictos, Legis tenore ſervato, pœnam debitam abſque dilatione perſolvere decernimus. [*l*] Aug. Ep. 50. ad. Bonifac. p. 84. Antequam iſtæ Leges, quibus ad convivium ſanctum coguntur intrare, in Africam mitterentur, nonnullis Fratribus, in quibus & ego eram, quamvis Donatiſtarum rabies uſquequaque ſæviret, videbatur non eſſe petendum ab Imperatoribus, ut ipſam Hæreſin juberent omnino non eſſe, pœnam conſtituendo eis, qui in illa eſſe voluiſſent, ſed hoc potius conſtituerent, ut eorum furioſas violentias non paterentur, qui veritatem Catholicam vel prædicarent loquendo, vel legerent conſtituendo, &c.

Africk, which compel Hereticks to come in to the Church, ſome of our Brethren, among whom I was one, were of Opinion, That although the Madneſs of the *Donatiſts* raged every where, yet we ſhould not petition the Emperors to forbid any one ſimply to be of that Hereſy, by inflicting Puniſhment on all that embraced it; but only deſire them to make a Law to reſtrain them from offering Violence to any that either preached or held the Catholick Faith. Which we thought might in ſome Meaſure be done after this Manner: If the Law of *Theodoſius* of Pious Memory, which he had promulg'd againſt all Hereticks in general, That whoever was found to be a Biſhop or Clerk, any where among them, ſhould forfeit Ten Pounds in Gold, were more expreſsly confirmed againſt the *Donatiſts* (who deny'd themſelves to be Hereticks) in ſuch a Manner, as that the Penalty ſhould not be inflicted upon them all, but only upon ſuch in whoſe Regions the Catholick Church ſuffered Violence from their Clergy, or the *Circumcellions*, or their People, ſo as after the Proteſtation of the *Catholicks*, who ſuffered from them, the Magiſtrates ſhould compel their Biſhops or Miniſters to pay the Fine. For ſo we thought that by this Means they might be terrified from daring any ſuch Attempts, and the Catholick Truth might be taught and held freely, ſo as no one ſhould be compelled to it, but every one that would, might embrace it without Fear, and we ſhould have no falſe or counterfeit *Catholicks*. And though others of our Brethren were of a different Opinion (who by their Age had greater Experience, and could plead the Example of many Cities and Places where we ſaw the Catholick Church firmly and truly ſettled, which yet was there ſettled by ſuch kind Methods of Divine Providence, whilſt Men were compelled by the Laws of former Emperors to come

in

in to the Catholick Communion) yet notwithſtanding this we prevailed, that our Petition ſhould be preſented to the Emperors in the foreſaid Form. And thereupon a Decree was drawn up in Council, and our Legates was diſpatched to Court. But the greater Mercy of GOD, (who better knew how neceſſary the Terror of ſuch Laws, and a little medicinal Trouble is, for the wicked or cold Hearts of many Men, and for that Hardneſs of Mind which cannot be corrected by Words, but may by a little Severity of Diſcipline) ſo ordered the Matter, that our Legates could not obtain the Thing they had undertaken. For before they could get to Court to preſent our Petition, ſeveral grievous Complaints had been made by the Biſhops of other Places, who had ſuffered extremely from the *Donatiſts*, and were driven from their Sees by them: Eſpecially the horrible and incredible Murder of *Maximian*, the Catholick Biſhop of *Vaga*, made it impoſſible for our Embaſſy to ſucceed. For now a Law was already promulged againſt the barbarous *Donatiſt*-Hereſy, the very ſparing which ſeemed more cruel than the Cruelty which themſelves exerciſed, that not only its Violence, but its very Being ſhould not be tolerated or ſuffered to go unpuniſhed. Yet to obſerve Chriſtian Meekneſs, even toward the Unworthy, the Penalty propoſed was not Death, but only a Pecuniary Mulct, and Baniſhment for the Biſhops and Miniſters. Then relating particularly the barbarous Uſage of *Maximian*, and their unparallel'd Cruelty towards him, he adds, That the Emperor being well apprized of theſe Facts, in his great Piety and Concern for Religion, choſe rather univerſally to correct that impious Error by wholſome Laws, and reduce thoſe, who carry'd the Badge of CHRIST againſt CHRIST, to Catholick Unity by Terror and Puniſhment, than

barely to take from them the Liberty of exerciſing their Cruelty, and leave them at Liberty to err and periſh. He obſerves farther, That as ſoon as ever theſe Laws appeared in *Africk*, they wrought wonderful Effects upon the Minds of Men: For immediately all ſuch as waited only for a proper Occaſion, or were kept back merely by the Dread of the Cruelty of thoſe Frantick Men, or were afraid to offend their Relations, came over at once to the Catholick Church. Many alſo who were detained in Schiſm merely by the Cuſtom they had been trained up to by their Parents, but had never ſpent a Thought about the Grounds and Reaſons of their Error, nor would conſider or make any Enquiry into the Merits of the Cauſe; when once they began to conſider it, and found nothing in it worth ſuffering ſo great Loſs, they without any Difficulty became Catholick Chriſtians. For a Concern for their own Safety brought them to Underſtanding, who before were grown negligent by Security. Many alſo, who were leſs capable of Underſtanding and Judging by themſelves, what was the Difference between the Error of the *Donatiſts* and the Catholick Truth, were induced to follow the Authority and Perſuaſion of ſo many Examples going before them. So the true Mother received great Multitudes of People into her Boſom again rejoycing, and only an hardened Company remained obſtinate by their unhappy Animoſity in that pernicious Way. And many of theſe alſo communicated with the Church by a ſort of Diſſimulation: But they who at firſt diſſembled, afterwards by Degrees accuſtoming themſelves to the Way of the Church, and hearing the Preaching of Truth, eſpecially after the Conference and Diſputation which was held between their Biſhops and us at *Carthage*, did at laſt for the moſt Part correct their Errors alſo.

THIS

THIS is the Account which St. *Auſtin* gives both of the Reaſons and Effects of this Penal Law, which he frequently [*m*] mentions in other Places, carefully collected by *Gothofred*, but needleſs here to be recited. I only obſerve theſe few Things upon the whole Matter. 1. That though it was no Part of the Church's Diſcipline to uſe any manner of Force to give Effect to her Cenſures; yet in Caſe of obſtinate Oppoſition and Contempt, ſhe did not think it unlawful to take the Aſſiſtance of the Secular Power. 2. That in Caſe of Violence offered to the Church or any of her Miniſters or her Members, there was ſtill more Reaſon to Petition for Defence againſt them. 3. That it was generally thought uſeful to inflict ſome moderate temporal Puniſhments upon obſtinate Hereticks, and Schiſmaticks, and other Offenders (with a Liberty of indulging, and remitting the Penalty, as Prudence directed) in order to bring them to conſider and examine the Grounds of Truth and Error, and humble them by Repentance, and reſtore them to the Communion of the Church from whence they were fall'n.

Sect. 4.

This Aſſiſtance never required to proceed ſo far, as, for mere Error, to take away Life, or ſhed Blood.

BUT then it is alſo to be conſidered, That the Church never encouraged any Magiſtrate to proceed farther in her Behalf againſt any one for any mere Error, or Eccleſiaſtical Miſdemeanor, than to puniſh the Delinquent with a pecuniary Mulct, or bodily Puniſhment ſhort of Death, ſuch as Confiſcation or Baniſhment, unleſs it were in Caſe of capital Crimes,

[*m*] Aug. Ep. 68. ad Januar. Donatiſt. Ep. 166. ad Donatiſtas. Ep. 173. ad Criſpinum Donatiſt. Cont. Creſcon. Lib 3. cap. 47. Cont. Liter. Petilian. Lib. 2. cap. 83.

and of a Civil Nature, whch fell directly under the Cognizance of the Civil Magiſtrate, as Treaſon or Rebellion, which the Imperial Laws puniſhed with Death. There are indeed ſome Laws in the *Theodoſian Code*, which order Hereticks to be proſecuted with Capital Puniſhments. *Theodoſius* [n] made a Decree againſt ſome of the *Manichees*, which went by the Name of *Encratites*, *Saccophori*, and *Hydroparaſtatæ*, That they ſhould be puniſhed with Death, at the ſame time that the *Solitarii*, another Sect among them, ſhould only ſuffer Confiſcation. And *Honorius* renewed the ſame Law [o] againſt them. And in two other Laws he ordered the *Donatiſts* [p] in *Africk* to be put to Death, if they held any publick Conventicles to the Prejudice of the Catholick Faith, revoking all Tolerations that had been granted them before. But as theſe Laws were very rare, ſo they may be ſuppoſed to be made upon ſome particular Provocation of their Enormities, ſuch as the *Manichees* were guilty of; or their barbarous Outrages committed againſt the *Catholicks*, ſuch as the *Circumcellions* among the *Donatiſts* every where ſtand charged with. Then again, it was as rare to find theſe Laws at any time put in Execution againſt them. For we ſcarce find an Inſtance before *Priſcillian* of any Heretick ſuffering Death barely for his Opinion. *Sozomen*, ſpeaking of this Law of *Theodoſius*, ſays, It was made more for Terror [q] than Execution. And *Chryſoſtom* at the ſame time delivered his Opinion freely, That the

[n] Cod. Theod. Lib. 16. Tit. 5. de Hæreticis. Leg. 9. Summo ſupplicio & inexplicabili pœna jubemus affligi.

[o] Cod. Theod. Lib. 16. Tit. 5. de Hæret. Leg. 35.

[p] Ibid. Leg. 51. Oraculo penitus remoto, quo ad ritus ſuos hæreticæ ſuperſtitiones obrepſerant, ſciant omnes ſanctæ legis inimici plectendos ſe pœna Proſcriptionis & Sanguinis, ſi ultra convenire per publicum, execranda ſceleris ſui temeritate tempraverint. An. 419. Vid. ibid. Leg. 56. [q] Sozom. L. 7. c. 12.

the Tares were not thus to be rooted out: For if Hereticks [r] were to be put to Death, there would be nothing but eternal War in the World. CHRIST does not prohibit us to reſtrain Hereticks, to ſtop their Mouths, to cut off their Liberty, and their Meetings, and their Conſpiracies, but only to kill and ſlay them. St. *Auſtin* ſeems not to have known any thing of this Law of *Theodoſius*; and for thoſe of *Honorius*, they were not yet enacted againſt the *Donatiſts*, when he wrote againſt them. Therefore writing frequently to the *African* Magiſtrates, he tells them, The Law gave them no Power to put any *Donatiſt* to Death. Thus in his Letter [s] to *Dulcitius* the Tribune, You, ſays he, have not received the Power of the Sword againſt them by any Laws, neither by any Imperial Injunctions, which you are obliged to execute, are you commanded to put them to Death. So he tells *Petilian* the *Donatiſt* Biſhop, That GOD had ſo ordered the Matter in his Providence, having the Hearts of Kings in his Hand, that though the Emperor had made many Laws to admoniſh and correct [t] them, yet there was no Imperial Law which commanded them to be put to Death. The Judges indeed had Power to puniſh Malefactors with Death, as Murderers, and the like; and ſo perhaps ſome of the *Donatiſts* might ſuffer; but that was not for their Opinion barely. And even in that Caſe, when it was the Cauſe of the Church, the Catholick Biſhops commonly interceded for them, That the Deaths of their

[r] Chryſ. Hom. 47. in Mat. p. 422. ὁ γὰρ δεῖ ἀναιρεῖν αἱρετικὸν· ἐπεὶ πόλεμος ἄσπονδος εἰς τὴν οἰκουμένην ἔμελλεν εἰσάγεσθαι. &c. [s] Aug. Ep. 61. ad Dulcitium. Non tu in eos jus gladii ullis Legibus accepiſti, aut Imperialibus Conſtitutis, quorum tibi injuncta eſt executio, hoc præceptum eſt, ut necentur. [t] Aug. cont. Literas Petiliani. Lib. 2. cap. 83. Multas ad vos commonendos & corripiendos Leges ipſe conſtituit; nulla tamen Lex Regia vos juſſit occidi.

their Martyrs might not be revenged with Blood. For no good Men in the Catholick Church, ſays St. *Auſtin* [*u*], are pleaſed to have any one, altho' he be an Heretick, proſecuted unto Death. Therefore writing to one *Donatus*, a Proconſul in *Africk*, he tells him, They deſired [*x*] that the Terror of Judges and Laws might correct them, ſo as to preſerve them from the Puniſhment of eternal Judgment, but not kill them; that Diſcipline might not be neglected toward them, and yet that they might not undergo the Puniſhment which they really deſerved. Therefore puniſh their Crimes in ſuch Manner, as that the Authors may continue in Being, to repent of them. We beſeech you, when any Cauſe of the Church comes before you, although you know the Church to be aſſaulted and afflicted by their injurious Villanies, yet then forget that you have the Power of Killing, and do not forget our Petition. Let it not ſeem vile and contemptible in your Eyes, that we who pray to GOD to correct them, intercede with you not to kill them. Let your Prudence alſo conſider this, That no one beſides Eccleſiaſticks is concerned to bring Eccleſiaſtical Cauſes before you: So that if you ſhould reſolve to put ſuch Criminals to Death, who are accuſed of acting wickedly againſt the Church, you will deter us from bringing any more ſuch Actions before your Tribunal: And that will make them more licentious, and daringly bold to aſſault us, and work our

[*u*] Cont. Creſcon. Lib. 3. cap. 50. Nullis tamen bonis in Catholica hoc placet, ſi uſque ad mortem in quenquam, licet hæreticum, ſæviatur. [*x*] Aug. Ep. 127. ad Donat. Ex occaſione terribilium Judicum ac Legum, ne in æterni judicii pœnas incidant, corrigi eos cupimus, non necari; nec Diſciplinam circa eos negligi volumus, nec ſuppliciis quibus digni ſunt, exerceri, &c.

our Ruin, when they know we are under ſuch a Neceſſity, to chuſe rather to be ſlain by them, than bring them to be ſlain before your Tribunals. He pleads after the ſame Manner in another Letter [*y*] to *Marcellinus* the Tribune, in Behalf of ſome *Donatiſts*, who confeſſed themſelves guilty of murdering ſome of the Catholick Clergy. I beſeech you, ſays he, let their Puniſhment be ſhort of Death, though their Crimes be ſo great, both for our Conſcience ſake, and to commend the Lenity and Meekneſs of the Catholick Church. A little after he entreats him to intercede in his Name to the Proconſul for them. I hear it is in the Power of the Judge to mollify the Rigour of the Law in giving Sentence, and to uſe greater Mildneſs in Puniſhing than the Laws command. But if he will not at my Requeſt conſent to this, let him however grant me this Favour, to keep them in Priſon till I can ſend to the Emperor, and obtain of his Clemency [*a*], That the Paſſions or Martyrdoms of the Servants of GOD, which ought to be glorious in the Church, be not ſtained and defiled with the Blood of their Enemies. He urges the ſame Argument in his next Letter to this *Marcellinus* with greater Earneſtneſs, conjuring him by all that is ſacred, not to proceed to the utmoſt Extremity againſt ſome *Circumcellions* and *Donatiſt*-Clergy, who were convicted of murdering two of his Presbyters belonging to the Church of *Hippo*, after having firſt barbarouſly ſtruck

[*y*] Aug. Ep. 158. ad Marcellin. Pœna ſane illorum, quamvis de tantis ſceleribus confeſſorum, rogo te ut præter ſupplicium mortis ſit, & propter Conſcientiam noſtram, & propter Catholicam Manſuetudinem commendandam.

[*a*] Ibid. Hoc de clementia Imperatoris impetrare curabimus, ne Paſſiones ſervorum Dei, quæ debent eſſe in Eccleſia glorioſæ, inimicorum ſanguine dehoneſtentur.

ſtruck out an Eye, and cut off the Finger of one of them. I am under the greateſt Concern imaginable, ſays he, leſt your Highneſs ſhould decree their Puniſhment by the utmoſt Severity of the Law, to make them ſuffer the ſame [*b*] Things that they have done. Therefore I beſeech you in theſe Letters by the Faith which you have in CHRIST, by the Mercy of the Lord JESUS, that you neither do this, nor ſuffer it to be done. For though we might excuſe ourſelves from their Death, foraſmuch as it was not by any Accuſation of ours, but by the Information of thoſe who have the Care of preſerving the Publick Peace, that they were brought in Queſtion; yet we would not have the Paſſions of the Servants of GOD be revenged with the like Puniſhments, as it were by way of Retaliation. Not that we are againſt depriving wicked Men of the Liberty of committing ſuch villainous Actions, but becauſe we rather think it ſufficient, without either killing them, or maiming them in any Part of their Body, to bring them by Coercion of the Laws from theſe mad and turbulent Practices, to live peaceably and ſoberly, or at leaſt inſtead of theſe wicked Works, to ingage them in ſome uſeful Employment. He yet again more pathetically urges the ſame Matter to one *Apringius* another *African* Judge [*c*] in theſe very affectionate and moving Terms, pleading for Mercy toward the ſame *Circumcellions*. I am afraid leſt they who have committed this Murder, ſhould be ſentenced to Death by your Power. That this may not

[*b*] Aug. Ep. 159. Sollicitudo mihi maxima incuſſa eſt, ne forte ſublimitas tua cenſeat, eos tanta Legum ſeveritate plectendos, ut qualia fecerunt, talia patiantur. — Nolumus Paſſiones ſervorum Dei quaſi vice Talionis paribus ſuppliciis vindicari. [*c*] Aug. Ep. 160. ad Apringium.

not be done, I that am a Chriſtian beſeech you the Judge, I that am a Biſhop exhort you that are a Chriſtian. I know the Apoſtle ſays, *Ye bear not the Sword in vain, but are Miniſters of God to execute Wrath upon them that do evil.* But the Cauſe of the State is one Thing, and the Cauſe of the Church another. The Adminiſtration of that (the State) is to be carried on by Terror, but the Meekneſs of the Church is to be commended by her Clemency. Then uſing ſeveral Arguments, he adds a little after, If nothing ſhort of Death could be impoſed upon them, for our Part we had rather they ſhould be ſet at Liberty, than that the Paſſions of our Brethren ſhould be revenged by ſhedding the Blood of their Enemies. But now ſince there is room both to ſhew the Gentleneſs of the Church, and alſo to reſtrain the Audaciouſneſs of the Cruel, why ſhould you not incline to the more provident ſide and milder Sentence, which Judges have Liberty to do even in Cauſes where the Church is not concerned? Therefore ſtand in awe with us of the Judgment of GOD the Father, and demonſtrate the Clemency of the Church your Mother. For what you do, the Church does, for whoſe Sake you do it, and whoſe you are that do it. Therefore contend and vie Goodneſs with the Evil. They by monſtrous Inhumanity and Wickedneſs tear off the Members from the Living Body: Do you in Mercy cauſe their Members, which were exerciſed in ſuch barbarous Works, to remain whole and untouched in them, that they may henceforth ſerve to work at ſome uſeful Labour. They ſpared not the Servants of GOD preaching Reformation to them, but do you ſpare them that have been apprehended in their Crimes, ſpare them that have been preſented to your Examination, ſpare them that have been convicted before you. They with the Sword

of

of Unrighteouſneſs ſhed Chriſtian Blood: Do you with-hold even the lawful Sword of Judgment from being imbrued in their Blood. They ſlew the Miniſter of the Church, and thereby deprived him of the Time of Living: Do you let the Enemies of the Church live, and thereby grant them a Time of repenting. Thus it becomes a Chriſtian Judge to act in the Cauſe of the Church, at our Requeſt, at our Admonition, at our Interceſſion. Other Men are wont to appeal from the Mildneſs of the Sentence, when their Enemies are too favourably dealt with upon Conviction: But we ſo love our Enemies, that if we did not preſume upon your Chriſtian Obedience, we ſhould appeal from the Severity of your Sentence.

AFTER this manner St. *Auſtin* always pleads for Favour to be ſhewed to the *Donatiſts*, that they ſhould not be proſecuted unto Blood, in the Cauſe of the Church, though it were for a Capital Crime, which in a Civil Caſe would infallibly have been puniſhed with Death without Redemption. And certainly they, who were ſo tender of their Enemies Lives, when they were guilty of ſuch flagrant Crimes of violent Outrages againſt the Church, could never think it lawful to ſentence them to death for mere Error in Opinion. And therefore though *Honorius* made ſome ſuch Laws, after St. *Auſtin* had written all this; yet we never find the Church approved them, or deſired they ſhould be put in Execution: But on the contrary always ſtood firm to her own Character, which we have heard before in the Words of St. *Auſtin*: That is, That no good Men in the Catholick Church were pleaſed with having Hereticks proſecuted unto Death. Leſſer Puniſhments, they thought, might have their Uſe, as Means ſometimes to bring them to Conſideration and Repentance: But to take away

way their Lives was to deprive them at once of all Means and Opportunity of repenting. Beſides that it was invidious to the Church, and rather a Confirmation to Hereſy: For ſuch as were ſlain, were always reckoned Martyrs by their Party. Thus the *Donatiſts* honoured their *Circumcellions*, which were ſlain in the Encounter with *Macarius*, whom the Emperor *Conſtans* ſent into *Africk* in a peaceable manner, to ſcatter his Gifts among them, and try to reduce them to Unity by his Kindneſs: They were the Aggreſſors, and forced him to require Aid of the Governours to defend himſelf againſt their Aſſaults, and yet thoſe that were ſlain in ſo neceſſary Defence, were by them reputed Martyrs, and the Catholicks were nick-named *Macarians*, and theſe called the *Macarian* Days, that is, in their Language, Days of Perſecution. And in anſwer to this, *Optatus* was forced to tell them, *1ſt*, That the Fact was falſe: No Violence was uſed toward them; there was no Terror in the firſt Deſign; they neither felt Rod, nor Impriſonment; but only Exhortations [*d*] to Peace. And, *2dly*, if any Violence was offered to them, they called it upon themſelves by their own Inſolency, obliging the Emperor's Officer or Almoner to defend himſelf againſt the rude Inſults of the *Circumcellions*. Mean while whatever happened, was neither done by the Deſire, nor the Counſel, nor the Knowledge, nor the Concurrence of the Church. A like Inſtance happened in the Caſe of the *Priſcillianiſts*. *Priſcillian* and Some of his Accomplices, were by *Maximus*

[*d*] Optat. Lib. 3. p. 62. Nullus erat primitus terror. Nemo viderat Virgam; nemo Cuſtodiam: Sola fuerant hortamenta. &c. Et tamen horum omnium nihil actum oſt cum Voto noſtro, nihil cum Conſilio, nihil cum Conſcientia, nihil cum Opere.

mus the Emperor, at the Inſtigation of *Ithacius*, a fierce and ſanguinary Biſhop, ſentenced unto Death. This gave Occaſion to the Followers of *Priſcillian* to triumph in the Sufferings of their Leader. For as *Sulpicius Severus* [*e*] obſerves, His Death was ſo far from ſuppreſſing the Hereſy, that it gave Confirmation to it, and made it ſpread farther than otherwiſe it would have done. For his Followers, who before honoured him as a Saint, afterwards began to reverence him as a Martyr. The Thing was utterly diſpleaſing to all good Men, who were intereſted and attached to the *Ithacian* Party. St. *Martin* Biſhop of *Tours*, not only rebuked *Ithacius* for his over zealous Proſecution [*f*], but interceded with *Maximus* the Emperor to abſtain from ſhedding their Blood, telling him, it was enough to expel Hereticks from their Churches, after they were once condemned by the Epiſcopal Judgment: And he obtained a Promiſe of *Maximus*, not to decree any Thing againſt their Lives. From which when he departed by the Perſuaſion of others, and condemned them to death, St. *Martin* would never after be induced to communicate with thoſe ſanguinary Men, ſave once in a ſmall Matter, of which he alſo repented, and continued his Averſion to them all his Days, as the ſame Hiſtorian informs us [*g*]. Now from all this it is plain, That whatever

[*e*] Sever. Hiſt. Lib. 2. p. 120. Priſcilliano occiſo, non ſolum non repreſſa eſt Hæreſis, quæ illo authore proruperat, ſed confirmata, latius propagata eſt. Namque ſectatores ejus, qui eum prius ut ſanctum honoraverant, poſtea ut Martyrem colere cœperunt. [*f*] Ibid. p. 119. Non deſinebat increpare Ithacium, ut ab accuſatione deſiſteret: Maximum orare, ut ſanguine infelicium abſtineret: Satis ſuperque ſufficere, ut Epiſcopali ſententia Hæretici judicati Eccleſiis pellerentur, &c. [*g*] Sever. Dial. 3. n. 15.

ever Favour or Aſſiſtance the ancient Church required of the Civil Magiſtrates, to back her Diſcipline with againſt Hereticks or other Delinquents, ſhe never deſired them to unſheath the Sword in her Cauſe, or puniſh them with Death; but always interpoſed in their Behalf, that they might have the Favour to live and repent, if ever any ſanguinary Laws (which were very rare, and no ways encouraged or approved by the Church) were made againſt them. The Diſcipline of Fire and Faggot, and Inquiſitions, and a thouſand other Tortures, which under Pretence of Mercy has ſpilt ſo much Chriſtian Blood, are Inventions of later Ages, and more corrupt and degenerate Times, when Men had forgot the Spirit of Chriſtianity, and the Character of our Bleſſed LORD, who *came not to deſtroy Mens Lives, but to ſave them.*

Sect. 5.

The Diſcipline of the Church depriv'd no Man of his Natural or Civil Rights; much leſs the Magiſtrate of his Power, or Allegiance due to him.

IT was no Part of the ancient Diſcipline to deprive Men of their Natural or Civil Rights. A Maſter did not loſe his natural Authority over his Family, nor a Parent over his Children, by loſing the Privileges of Chriſtian Communion. A Judge did not loſe his Office or Charge in the State, by being caſt out of the Church. For many ſuch enjoy'd their Power and Juriſdiction under *Conſtantius* and other heretical Princes, notwithſtanding the Church's Cenſures. Though now it is the common Doctrine of the *Romiſh* Church, as Cardinal *Tolet* [*b*] delivers it

[*b*] Tolet. de Inſtruct. Sacerdot. Lib. 1. cap. 3. Excommunicatus non poteſt exercere actum Juriſdictionis abſque peccato: Imo ſi publica eſt Excommunicatio facta, ſententiæ nullæ ſunt. Vid. Du Moulin's *Buckler of Faith.* p. 370. Et Decretal. Gregor. Lib. 2. Tit. 27. de ſententia & Re Judic. cap. 24.

for the Inſtruction of Prieſts, That an excommunicated Perſon cannot exerciſe any Act of Juriſdiction without Sin; nay, and if his Excommunication be made publick, all his Sentences are Null and of no Effect. This Rule is deſigned againſt Sovereign Powers, to weaken the Hands of Princes by diſplacing their Officers, under Pretence of Excommunication. But the Church of *Rome* goes farther, and puts it in the Power of the Pope to lay Princes under the higheſt Excommunication or *Anathema*, and then by Virtue of that to depoſe them from their Thrones, and abſolve Subjects from their Allegiance, and diſpoſe of their Kingdoms to whom they think fit. Of which Practice there is not the leaſt Footſtep in all the Diſcipline of the Primitive Church for many Ages, nor ſcarce any unqueſtionable Inſtance of ſuch an Attempt before the Time of Pope *Hildebrand*, or *Gregory* VII, (from whom this Doctrine is called the *Hildebrandin* Doctrine) as ſome of their own Hiſtorians ingenuouſly confeſs. I have read over and over again, ſays *Otho Friſingenſis* [*i*], a noble *German* Biſhop, the Records of the *Roman* Kings and Emperors, and I no where find that any of them before this was excommunicated, or deprived of his Kingdom by the Biſhop of *Rome*; unleſs any one think fit to call that Anathematizing, when *Philip* the Emperor was placed among the Penitents for a little Time by the *Roman* Biſhop; or when *Theodoſius* for his cruel Slaughter of the *Theſſalonians*, was debarred

[*i*] Otho Friſing. Lib. 6. cap. 35. Lego & relego Romanorum Regum & Imperatorum Geſta, & nuſquam invenio quenquam eorum ante hunc à Romano Pontifice excommunicatum, vel Regno privatum, niſi quis forte pro Anathemate habendum ducat, quod Philippus ad breve tempus à Romano Epiſcopo inter Pœnitentes collocatus; & Theodoſius a Beato Ambroſio propter cruentam cædem a liminibus Eccleſiæ ſequeſtratus ſit.

barred from entring the Church by St. *Ambroſe*. There is no queſtion but that Princes anciently were ſometimes deny'd the Communion, as St. *Ambroſe* deny'd *Theodoſius*: But as that was not properly putting them under the great Excommunication, or *Anathema*, ſo much leſs was it depriving them of their Legal Power and Dominion. *Conſtantius* was an Heretick, and *Julian* an Apoſtate; *Valens* and *Valentinian* the younger were profeſs'd *Arians*; *Anaſtaſius* and many others, Abettors and Propugners of ſeveral Hereſies; yet the Church never pretended to withdraw her Allegiance from them, or depoſe them: Neither was this for Want of Power, as *Bellarmine* and others commonly pretend, but for Want of juſt Authority and Right: For the Church in thoſe Days knew nothing either of a direct or indirect Power, that the Pope or any other Biſhop had over the Temporal Rights of Princes; but profeſs'd Obedience to them, whether they were Heathens, or Hereticks; in the Church, or out of the Church; Perſecutors, or Friends: As the Reader, that pleaſes, may ſee more fully demonſtrated in the Elaborate Work of our Learned Biſhop *Buckridge*, in Defence of *Barclay* againſt *Bellarmin* [*k*], concerning the pretended Power of the Pope in Temporals, and his Uſurpation of a Right to dethrone Princes. Where among many other unanſwerable Arguments, he confirms the forementioned Obſervation of *Otho Friſingenſis*, That *Hildebrand* was the firſt that put this wicked Doctrine in Practice againſt the Emperor *Henry* IV, from the concurrent Teſtimony of almoſt Twenty Writers of the *Roman* Communion. I ſhall purſue this Matter no farther here, having ſaid what is

[*k*] Joan. Roſſenſis. de Poteſtate Papæ in Rebus Temporalibus, &c. Lond. 1614. Lib. 2. cap. 10.

ſufficient to confirm this Remark about the Diſcipline of the Church, That it deprived no Man of his Natural or Civil Rights, much leſs gave any one Authority to dethrone Princes, or abſolve Subjects from their Allegiance, or diſpoſe of their Kingdoms under Pretence of ſetting up the Spiritual Sword above the Temporal.

Sect 6. *But conſiſted* 1ſt, *in Admonition of the Offender.*

BUT the Diſcipline of the Church, being a mere ſpiritual Power, was confined to theſe following Acts. Firſt, The Admonition of the Offender: Which was ſolemnly repeated once or twice commonly, before they proceeded to greater Severities, according to that of the Apoſtle: *A Man that is an Heretick, after the firſt and ſecond Admonition reject.* After this manner St. *Ambroſe* [*l*] repreſents their Proceedings: A putrified Member of the Body is never cut off but with Grief: We try a long time, whether it cannot be healed with Medicines; if not, then a good Phyſician cuts it off. Such is the Affection of a good Biſhop; he is very deſirous firſt to heal the Infirm, to put a ſtop to growing Ulcers, to burn and ſear a little, and not cut off: At laſt he cuts off with Grief what cannot be healed. So *Proſper* [*m*] ſays, They that being long endured, and often kindly admoniſhed, will not be corrected, are cut off

[*l*] Ambroſ. de Offic. Lib. 2. cap. 27. Cum dolore amputatur quæ putruit pars corporis, & diu tractatur ſi poteſt ſanari medicamentis; ſi non poteſt, tunc a medico bono abſcinditur. Sic Epiſcopi affectus boni eſt, ut oportet ſanare infirmos, ſerpentia auferre ulcera, adurere aliqua, non abſcindere. Poſtremo quod ſanari non poteſt, cum dolore abſcindere.

[*m*] Proſper. de Vit. Contemplat. Lib. 2. cap. 7. Qui diu portati & ſalubriter objurgati, corrigi noluerint, tanquam putres corporis partes debent ferro Excommunicationis abſcindi.

off as putrified Members with the Sword of Excommunication.

AND thus *Syneſius* repreſents his own Proceedings againſt *Andronicus* the tyrannical Governor of *Ptolemais* who made uſe of his Power only to oppreſs and vex the People. He firſt try'd whether Admonitions and Remonſtrances againſt his Cruelty [n] would work upon him: But when they proved ineffectual, and the Man grew more outragious and incorrigible, breaking out into that blaſphemous Expreſſion, That in vain did any Man hope for Succour from the Church, and that no Man ſhould eſcape his Hands, although he laid hold of the Foot of CHRIST himſelf: After this, ſays *Syneſius* [o], he was no longer to be admoniſhed, but cut off as an incurable Member, for fear the ſound Parts ſhould be corrupted by his Society and Contagion. And ſo he proceeded to pronounce that formal Excommunication againſt him, which we ſhall hear more of by and by.

Sect. 7. 2dly, *In Suſpenſion from the Communion, called the leſſer Excommunication.*

SOME call this the προθεσμία, the Warning, or Time [p] given them to repent, which was limited ſometimes to the ſpace of Ten Days [q]: After which if they continued obſtinate and refractory, the Church proceeded to greater Severities, to deny them Communion by the leſſer or greater Excommunication. The leſſer Excommunication was commonly called, Ἀφορισμὸς, Separation or Suſpenſion: And it conſiſted in excluding

[n] Syneſ. Ep. 57. [o] Syneſ. Ep. 58. p. 199. ἐκέτι νουθέτου ὁ ἄνθρωπος, ἀλλ' ὥσπερ μέλος ἀνιάτως ἔχον, ἀποκοπείς. &c. [p] Habert. Archieratic. p. 739. ex Epiſt. Joan. Antioch. ad Neſtorium. [q] Celeſtin. Ep. ad Neſtor.

Men from the Participation of the *Euchariſt*, and Prayers of the Faithful; but did not expel them the Church: For ſtill they might ſtay to hear the Pſalmody, and Reading of the Scriptures, and the Sermon, and the Prayers of the Catechumens and the Penitents, and then depart with them, when that firſt Service, called, *The Service of the Catechumens*, was ended. *Theodoret* expreſsly diſtinguiſhes this leſſer Excommunication from the greater, when ſpeaking of ſome who had lapſed into Sin rather by Infirmity, than Maliciouſneſs, he ſays, They ſhould be [r] debarred from Partaking of the Holy Myſteries, but not debarred from the Prayers or Service of the Catechumens. And thus we are to underſtand that Canon of *Gregory Thaumaturgus* [s], which orders ſuch to be excommunicated from Prayers, as detained the Goods of their Brethren (which they had loſt in the Invaſion of the *Barbarians*) under Pretence of having found them. Prayers there, means the Prayers of the Faithful at the Altar, or the *Communion-Service*, from which they were ſuſpended, and not the *Prayers of the Catechumens*, at which they might be preſent notwithſtanding their Suſpenſion from the other. So that this was a lower Degree of Puniſhment, excluding them in Part only from the Society of the Faithful, that is, from the common Prayers and the *Euchariſt*, but not totally expelling them the Church. And it was commonly inflicted for leſſer Crimes; or if for greater, upon ſuch Sinners only as ſhewed immediately a ready Diſpoſition to ſubmit to the Laws of Repentance: There being ſomething

[r] Theod. Ep 77. ad Eulalium. Tom. 3. p. 947. Κωλυέσθαι μὲν τῆς μεταλήψεως τῶν ἱερῶν μυστηρίων, μὴ κωλυέσθαι δὲ τῆς τῶν καταηχουμένων εὐχῆς. &c. [s] Greg: Thaumaturg. can. 5. ὃς δεῖ ἐπιτηρεῖσθαι τῆς εὐχῆς. Vid. Conc. Herdenſ. can. 4.

thing in their Forwardneſs to entitle them to a more favourable Sentence. The Council of *Eliberis* [*t*] orders this Sort of Abſtention from the *Euchariſt* for three Weeks to be inflicted on thoſe, who without any neceſſary Avocation, neglected to come to Church for three *Lord's-Days* together. And in another Canon [*u*] ſuſpends ſuch Virgins for a Year, as were guilty of Ante-nuptial Fornication; ordering them to be received again without publick Penance, provided they were marry'd to the Perſons by whom they were defiled, living chaſtely with them for the future. *Albaſpiny* here rightly obſerves, That this was only depriving them of the *Euchariſt*, for they were neither expelled the Church, nor obliged to go through any of the Stages of publick Penance, but might pray with the Catechumens, and with the Faithful alſo; only they were not allowed to participate of the Holy Myſteries till their Term was expired, and therein their Puniſhment conſiſted. St. *Baſil*'s Canons [*x*] ſpeak of the ſame Puniſhment for *Trigamiſts*, or Perſons that were marry'd a third time. They were to be under Penance for five Years; half the Time to be Hearers only, and half the Time Co-ſtanders; that is, they might ſtay to hear the Prayers of the Faithful, but not partake of the Communion with them. So that here were two Degrees of this leſſer Excommunication; the one excluding them only from the *Euchariſt*, but allowing them to pray

[*t*] Conc. Eliber. can. 21. Si quis in Civitate poſitus, tres Dominicas ad Eccleſiam non acceſſerit, tanto tempore abſtineat, ut correptus eſſe videatur. [*u*] Ibid. can. 14. Virgines quæ Virginitatem ſuam non cuſtodierint, ſi eoſdem qui eas violaverint, duxerint & tenuerint; eo quod ſolas nuptias violaverint, poſt annum ſine Pœnitentia reconciliari debebunt. Vid. Albaſpin. in Loc. [*x*] Baſil. can. 4.

with the Faithful; and the other excluding them from the Prayers of the Faithful, and only allowing them to pray with the Catechumens; but neither of them expelling such Delinquents totally from the Communion of the Church.

Sect. 8. 3dly, *In Expulsion from the Church, called the greater Excommunication, total Separation,* Anathema, *and the like.*

THE greater Excommunication was, when Men were totally expelled the Church, and separated from all Communion in Holy Offices with her. Whence in the ancient Canons it is distinguished by the Names of παντελὴς ἀφορισμὸς, the total Separation, and *Anathema*, the Curse: It being the greatest Curse that could be laid upon Man. It is frequently also signified by the several Terms and Phrases of, ἀπείργεσθαι τῆς ἐκκλησίας, ἀποκλείεσθαι and ῥίπτεσθαι τῆς ἐκκλησίας, ἐκτὸς εἶναι, ἐκκηρύττεσθαι τῆς αὐτόθι, ἀπεῖρξαι τῆς ἀκροάσεως. &c. All which denote Mens being wholly cast out of the Church, by the most Formal Excommunication, and debarred not only from the *Eucharist*, but from the Prayers, and hearing the Scriptures in any Assembly of the Church. This Form is elegantly expressed by *Synesius* with all the Appendages and Consequents of it, in his Excommunication of *Andronicus*, mentioned before, in these Words: "Now that the Man is no longer to be admo-"nished, but cut off as an incurable Member, "the Church of *Ptolemais* makes this Declara-"tion [*y*] or Injunction to all her Sister Churches "throughout the World: Let no Church of God "be open to *Andronicus* and his Accomplices; to "*Thoas* and his Accomplices; but let every sacred "Temple and Sanctuary be shut against them. The "Devil has no Part in Paradise; though he privily "creep

[*y*] Synes. Ep. 58. p. 199.

" creep in, he is driven out again. I therefore ad-
" moniſh both private Men and Magiſtrates, nei-
" ther to receive them under their Roof, nor to
" their Table; and Prieſts more eſpecially, that
" they neither converſe with them living, nor at-
" tend their Funerals when dead. And if any one
" deſpiſe this Church, as being only a ſmall City,
" and receive thoſe that are excommunicated by
" her, as if there was no Neceſſity of obſerving
" the Rules of a poor Church; let them know, that
" they divide the Church by Schiſm, which CHRIST
" would have to be one. And whoever does ſo,
" whether he be *Levite*, Presbyter, or Biſhop, ſhall
" be ranked in the ſame Claſs with *Andronicus:* We
" will neither give them the Right Hand of Fel-
" lowſhip, nor eat at the ſame Table with them;
" and much leſs will we communicate in the Sacred
" Myſteries with them, who chuſe to have Part
" with *Andronicus* and *Thoas.*" I have recited this whole Form, not only becauſe it is curiouſly drawn up by an excellent Pen, but alſo becauſe it opens the Way into the farther Knowledge of the Diſcipline of the Church. For here we may obſerve four Things, as Concomitants, or immediate Conſequents of this greater Excommunication. 1. That caſting out of the Church, is repreſented under the Image of caſting out of Paradiſe, and parallel'd with it, in the Form of Excommunication. 2. That as ſoon as any one was ſtruck out of the Liſt of his own Church, Notice was given thereof to the Neighbouring Churches, and ſometimes to the Churches over all the World, that all Churches might confirm and ratify this Act of Diſcipline, by refuſing to admit ſuch an one to their Communion. Foraſmuch as that 3. He that was legally excommunicated in one Church, was by the Laws of Catholick Unity, and Rules of right Diſcipline, to be

be held excommunicate in all Churches, till he had given juſt and reaſonable Satisfaction: And for any Church to receive ſuch an one into her Communion, was ſo great an Offence, as to be thought to deſerve the ſame Puniſhment with the offending Criminal. 4. That when Men were thus excommunicated, they were not only excluded from Communion in Sacred Things, but ſhunned and avoided in Civil Converſation as dangerous and infected Perſons. All theſe Things are evident from this ſingle Paſſage of *Syneſius*; but becauſe the Knowledge of the Manner of exerciſing Eccleſiaſtical Diſcipline, depends upon the Truth of them, it will not be amiſs a little more diſtinctly to explain and confirm them. Firſt then, I obſerve, That caſting out of the Church, is here repreſented under the Image of Paradiſe, and parallel'd with it in the Form of Excommunication. And ſo it is ſaid by St. *Jerom* [z], That Sinners tranſgreſs the Covenant of GOD in the Church, as *Adam* did in Paradiſe: And ſhew themſelves Followers of their firſt Father, that they may be caſt out of the Church, as he was out of Paradiſe. In like manner St. *Auſtin*, ſpeaking of *Adam's* Expulſion out of Paradiſe [a], ſays, It was a ſort of Excommunication: As now in our Paradiſe, that is, the Church, Men by Eccleſiaſtical Diſcipline are removed from the viſible Sacraments of the Altar. And *Epiphanius* [b] notes the ſame Cuſtom,

[z] Hieron. Com. in Hoſeam. cap. 6. Prævaricati ſunt pactum Dei in Eccleſia, ſicut Adam prævaricatus eſt in Paradiſo: Et imitatores ſe antiqui Parentis oſtendunt, ut quomodo ille de Paradiſo, ſic & iſti ejiciantur de Eccleſia. [a] Aug. de Geneſi ad Literam. Lib. 11. cap. 40. Tom. 3. p. 273. Alienandus erat, tanquam Excommunicatus: Sicut etiam in hoc Paradiſo, id eſt, Eccleſia, ſolent a Sacramentis altaris viſibilibus homines Diſciplina Eccleſiaſtica removeri. [b] Epiphan. Hær. 52.

Cuſtom, as more nicely obſerved by the Sect of the *Adamians:* For if any one was taken in a Crime, they would not ſuffer him to come into their Aſſembly, but called him *Adam,* the Eater of the forbidden Fruit, and adjudged him to be expelled, as out of Paradiſe, that is, their Church. So that this was a common Form or Phraſe both in the Diſcipline of Hereticks and the Church.

Sect. 9. *This Sort of Excommunication was commonly notified to all other Churches.*

SECONDLY, I obſerve, that as ſoon as any one was in this manner excommunicated by any Church, Notice thereof was commonly given to other Churches, and ſometimes by Circular Letters to all eminent Churches over all the World, that all Churches might confirm and ratifie this Act of Diſcipline, by refuſing to admit ſuch an one to their Communion. To this Purpoſe we find a Canon in the firſt Council of *Toledo* [*c*], That if any powerfull Man oppreſs and ſpoil a Clerk, or a poor Man, or one of a religious Life, and a Biſhop ſummon him before him, to have a Tryal, and he refuſes to obey the ſummons; in that Caſe he ſhall give Notice by Letter to all the Biſhops of the Province, and to as many as poſſibly he can, that ſuch an one be held excommunicate, till he obediently ſubmits, and makes Reſtitution. This was uſually moſt punctually obſerved in the Caſe of Hereticks and their Condemnation. For ſo the Hiſtorians [*d*] tell us, when *Alexander* Biſhop of *Alex-*

[*c*] Conc. Tolet. 1. can. 11. Si quis de potentibus Clericum, aut quemlibet pauperem, aut Religioſum expoliaverit, & mandaverit eum ad ſe venire Epiſcopus ut audiatur, & is contempſerit; invicem mox ſcripta percurrant per omnes Provinciæ Epiſcopos, & quoſcunque adire potuerint, ut excommunicatus habeatur ipſe, donec obediat & reddat aliena.

[*d*] Socrat. Lib. 1. cap. 6. Theod. Lib. 1. cap. 4.

Alexandria had depoſed and anathematized *Arius*, he ſent his Circular Letters to all Churches, giving an Account of his Proceedings againſt him. And this was the conſtant Practice in all Councils, to ſend about their ſynodical Letters, to ſignify what Hereticks they condemned, that all Churches might be apprized of their Errors, and refuſe their Communion to the Authors of them. And thus every Biſhop was careful to inform his Brethren and neighbouring Churches, whenever he had Occaſion to uſe this ſevere Puniſhment againſt any Offender. Thus St. *Auſtin* having depoſed *Victorinus* an aged Subdeacon, and expelled him the Church, becauſe he was found hypocritically in private to have propagated the abominable Hereſies of the *Manichees*, writes to *Deuterius* one of his Fellow Biſhops, and tells him, he did not think it ſufficient [*e*] to have uſed this congruous Eccleſiaſtical Severity againſt him, unleſs he alſo gave Intimation of what he had done againſt him, that every one being well apprized, might know how to be aware of him.

Sect. 10. *After which he that was excommunicated in one Church, was held excommunicate in all Churches.*

THEN Thirdly, Whoever was thus excommunicated in one Church, was held excommunicate in all Churches. For ſuch was the perfect Harmony and Agreement of the Catholick Church, that every Church was ready to ratify and confirm all Acts of Diſcipline exerciſed upon Delin-

[*e*] Aug. Ep. 74. ad Deuterium. Ejus fictionem ſub Clerici ſpecie vehementer exhorrui, eumque coercitum pellendum de Civitate curavi: Nec mihi hoc ſatis fuit, niſi & tuæ ſanctitati eum meis Literis intimarem, ut à Clericorum gradu congrue Eccleſiaſtica ſeveritate dejectus, cavendus omnibus innoteſcat.

Delinquents in any other Church: So that he who was legally excommunicated in one Church, was by the Laws of Catholick Unity and Rules of right Diſcipline held excommunicate in all Churches; and no Church could or would receive him into Communion, before he had given Satisfaction to the Church whereof he was a Member: And to do otherwiſe, was to incurr the ſame Penalty that was inflicted upon the offending Party. I have given ſome Evidence of this before [*], in ſpeaking of the Unity of the Church: And here I ſhall a little farther confirm it, to ſhew the Exactneſs of the Ancient Church in the Adminiſtration of Diſcipline, both from her Laws and Practice. Her Laws are altogether uniform upon this Point, and run univerſally in this Tenour, That no Perſon excommunicated in one Church, ſhould be received in another, except it were by the Authority of a legal Synod, to which there lay a juſt Appeal, and which was allowed to judge in the Caſe. There are two Canons among thoſe called *Apoſtolical* to this Purpoſe. If any Presbyter or Deacon is ſuſpended from Communion by his Biſhop [*f*], he ſhall not be received by any other but the Biſhop that ſuſpended him, except in Caſe the Biſhop chance to die that ſuſpended him. And again [*g*], If any Clergyman or Layman, who is caſt out of the Church, be received in another City without Commendatory Letters, both he that received him, and he that is ſo received, ſhall be caſt out of Communion. The Council of *Nice* is ſuppoſed to refer to theſe Ancient Canons, when it ſays [*b*], The Rule ſhall ſtand good according to the Canon, which

[*] Chap. i. n. 11. [*f*] Canon. Apoſt. 32. [*g*] Ibid. can. 13. [*b*] Conc. Nic. can. 5.

which ſays, " He that is caſt out by one Biſhop, " ſhall not be received by another: But Synods " ſhall be held Twice a Year to examine, whe- " ther any one Perſon was excommunicated unjuſtly " by the haſty Paſſion, or Contention, or any " ſuch irregular Commotion of his Biſhop; and if " it appear that he was excommunicated with Reaſon, " he ſhall be held excommunicate by all other Bi- " ſhops, till the Synod thinks fit to ſhew him Fa- " vour ". The Council of *Antioch* [*i*] not long after renewed this Canon, " If any one is excom- " municated by his own Biſhop, he ſhall not be " received by any other but the Biſhop that ex- " communicated him, unleſs upon Appeal to the " Synod he give Satisfaction, and receive another " Sentence from the Synod ". The Learned Reader may find many other Canons to the ſame Purpoſe in the Councils of *Eliberis* [*k*], and *Sardica* [*l*], and *Milevis* [*m*], and the firſt of *Arles* [*n*], and *Turin* [*o*], and *Saragoſſa* [*p*], which all run in the ſame Tenour, and need not here be repeated. It was by this Rule and Principle that *Cornelius* refuſed to admit *Feliciſſimus* to Communion at *Rome* [*q*], becauſe he had been excommunicated by *Cyprian* at *Carthage*. And for the ſame Reaſon *Marcion*, as has been noted before, could find no Reception among the *Roman*-Clergy, becauſe he was excommunicated by his own Father, and had given no Satisfaction to him, as *Epiphanius* [*r*] relates the Story. St. *Auſtin* likewiſe writing to one *Quintian* [*s*], who lay

[*i*] Conc. Antioch. can. 6. [*k*] Conc. Eliber. can. 53.
[*l*] Conc. Sardic. can. 13. [*m*] Conc. Milevit. can. 18.
[*n*] Conc. Arelat. 1. can 16. [*o*] Conc. Turin. can. 4 & 6.
[*p*] Conc. Cæſarauguſt. can. 5. [*q*] Vid. Cypr. Ep. 55. al. 59. ad Cornel. p. 126. [*r*] Epiphan. Hær. 42. [*s*] Aug. Ep. 135. Si ad nos venires, venerabili Epiſcopo non communicans, nec apud nos poſſes communicare.

lay under the Cenſure of his Biſhop, tells him, that if he came to him, not communicating with his own Biſhop, he could not be received to Communion with him. Nay, he had ſuch a Regard for this Rule of Diſcipline, that if a *Donatiſt*, that was under Cenſure among his own Biſhops, pretended to come over to the Catholick Church [*t*], he would not receive him without firſt obliging him to do the ſame Penance that he ſhould have done, had he ſtayed among them. And he greatly complains of the *Donatiſt* Biſhops, as diſſolving all the Bands of Diſcipline, whilſt they encouraged the greateſt Criminals, who were under Diſcipline for their ill Lives in the Church, to come over to them, where they might eſcape doing Penance, under Pretence of receiving a new Baptiſm: And then, as if they were renewed and ſanctified (though they were really made worſe under Pretence of new Grace) they could inſult the Diſcipline of the Church, from which they fled, to the higheſt Degree of ſacrilegious Madneſs. He gives an Inſtance in one, who being uſed to beat his Mother, and threatning to kill her, was in Danger of falling under the Diſcipline of the Church for theſe his inſolent and unnatural Cruelties; to avoid this he goes over to the *Donatiſts*, who without any more ado

[*t*] Aug. Ep. 149. ad Euſeb. Ego iſtum modum ſervo, ut quiſquis apud eos propter diſciplinam degradatus ad Catholicam tranſire voluerit, in humiliatione pœnitentiæ recipiatur, quo & ipſi eum forſitan cogerent, ſi apud eos manere voluiſſet. Ab eis vero conſidera, quæſo te, quam execrabiliter fiat, ut quos male viventes Eccleſiaſtica Diſciplina corripimus, perſuadeatur eis ut ad alterum Lavacrum veniant — deinde quaſi renovati & quaſi ſanctificati, Diſciplinæ, quam ferre non potuerunt, deteriores facti ſub ſpecie novæ gratiæ, ſacrilegio novi furoris inſultent.

ado [*u*] rebaptize him in his Madneſs, and put him on the White Garment or Albe of Baptiſm, whilſt he was fuming and thirſting after his Mothers Blood. So this Man, who was meditating Murder againſt his own Mother, was by this Means advanced to an eminent and conſpicuous Place within the Chancel, and ſet as a ſanctified Creature before the Eyes of all, who could not look upon him but with ſighing and mourning. The Truth is, this was a very ſcandalous Practice in the *Donatiſts*, done purely to ſtrengthen their Party: And nothing has done more Miſchief to the Church, or more enervated the Power of Eccleſiaſtical Diſcipline, than the receiving of ſcandalous Sinners, who fly from Juſtice and the Cenſures of the Church, into other Communions, and their protecting and even careſſing them as Saints, who ought to have been puniſhed as the greateſt Criminals. Upon this Account the Church went as far as poſſibly ſhe could, in making ſevere Laws, to diſcourage this Practice; inflicting the ſame Penalty upon any one that received an excommunicate Perſon into publick or private Communion, as the excommunicated Perſon himſelf was liable to. Thus in the Council of *Antioch* [*x*] one Canon ſays, "If any "Biſhop, Presbyter or Deacon communicate with "an excommunicated Perſon, he himſelf ſhall be "excommunicated, as one that confounds the Or-"der of the Church". Another [*y*], "If any "Biſhop receives a Presbyter or Deacon, depoſed "for

[*u*] Aug. Ep. 168. ad eundem. Tranſit ad Partem Donati, rebaptizatur furens, & in maternum ſanguinem fremens albis veſtibus candidatur. Conſtituitur intra Cancellos eminens & conſpicuus, & omnium gementium oculis Matricidij meditator tanquam renovatus opponitur. [*x*] Conc. Antioch. can. 2. [*y*] Ibid. can. 4.

" for Contumacy by his own Biſhop, he ſhall be " cenſured by a Synod, as one that diſſolves the " Laws of the Church ". And a Third Canon ſays [z], " If any Biſhop depoſed by a Synod, or " Presbyter or Deacon depoſed by their own Bi- " ſhop, preſume to officiate in any Part of Di- " vine-Service; they ſhall not only be uncapable " of being reſtored, but all that communicate with " them ſhall be caſt out of the Church; eſpecially " if they do ſo, after they know that Sentence " was pronounced againſt them ". In like man- ner the firſt Council of *Orange*, If any Biſhop pre- ſumes to communicate [a] with one that is ex- communicate, knowing him to be ſo, without his being reconciled to the Biſhop by whom he was excommunicated, he ſhall be treated as a guilty Perſon. The ſecond Council of *Carthage* [b] ſays more expreſsly, That a Biſhop, Presbyter or Dea- con, who receives thoſe into Communion, who were deſervedly caſt out of the Church for their Crimes, ſhall be held guilty of the ſame Crimes with them. The Fourth Council of *Carthage* [c] declares univerſally, Whoever he be, Clergyman or Layman, that communicates with an excommu- nicate Perſon, ſhall himſelf be excommunicated.

[z] Ibid. can. 5, *ſee alſo* can. 1. [a] Conc. Arauſican. can. 11. Placuit in reatum venire Epiſcopum, qui admoni- tus de Excommunicatione cujuſquam, ſine Reconciliatione ejus qui eum excommunicavit, ei communicare præſump- ſerit. [b] Conc. Carth. 2. can. 7. Placuit ut qui merito facinorum ſuorum ab Eccleſia pulſi ſunt, ſi ab aliquo Epiſ- copo, vel Presbytero, vel Clerico fuerint in Communionem ſuſcepti, etiam ipſe pari cum eis crimine teneatur obnoxius. [c] Conc. Carth. 4. can. 73. Qui communicaverit vel ora- verit cum Excommunicato, ſive Clericus, ſive Laicus, ex- communicetur.

St. *Baſils* Words are very remarkable [*d*] to an Offender whom he threatned to excommunicate, Thou ſhalt be *Anathema* to all the People, and whoever receives thee, ſhall be excommunicate in all Churches. The like may be read in the Apoſtolical Canons [*e*], to which the ancient Councils ſo often refer as the ſtanding Rule of Diſcipline, If any Clergyman or Layman, who is caſt out of the Church, be received in another City without Commendatory Letters, both he that receives him, and he that is ſo received, ſhall be caſt out of Communion. Which anſwers an Objection that might be raiſed in the Caſe, *viz.* What if a Biſhop knew not by any formal Intimation that ſuch or ſuch a Perſon was excommunicate, and ſo through Ignorance received him? To this it is here anſwered, that this did not excuſe him, becauſe he ought by the Rule of Catholick Commerce to receive no ſtranger to Communion, that did not bring Commendatory Letters, or Teſtimonials, from his own Biſhop, that he was in the Communion of the Church. If any travelled without theſe, he was to be ſuſpected as an excommunicated Perſon, and accordingly treated as one under Cenſure. But what if a Perſon was unjuſtly excommunicated by his own Biſhop? Might not another Biſhop do him Juſtice, by relaxing his unlawful Bonds, and admit him to Communion? I anſwer, No: For in this Caſe the Church provided another more proper Remedy, That every Man ſhould have Liberty to appeal from the Sentence of his own Biſhop to a Provincial Synod, which was by the Canons of *Nice* [*f*] and others appointed

[*d*] Baſil. Can. 89. [*e*] Canon. Apoſt. can. 13. Vid. Iſidor. Peluſ. Lib. 3. Ep. 259. [*f*] Vid. Conc. Nic. can. 5. Conc. Antioch. can. 6 Sardic. c. 17. Carthag. 2. can. 8 & 10. Conc. Milevit. can. 22. Carthag. 3. can. 8. Vaſenſe. c. 5. Veneticum, c. 9. Aug. Ep. 136. &c.

appointed to be held Twice a Year for this very Purpoſe, That if any one was aggrieved by the Cenſure of his own Biſhop, he might have his Cauſe heard over again in a Provincial Synod; from which there lay no farther Appeal to any ſingle Biſhop, no not even to the Biſhop of *Rome*, who moſt pretended to it; but all ſuch Cauſes were to be heard and determined in the Province where they aroſe, to obviate Fraud and ſurreptitious Communion, and put an end to all Strife and Contention, as has been ſhewed more fully in the foregoing Chapter, *n.* 14. out of the Debate between the Biſhops of *Rome* and the *African* Churches. Theſe were the Rules then generally obſerved throughout the whole Catholick Church, with Reſpect to the Rejection of excommunicate Perſons from the Communion of all Churches. And by theſe Rules the Unity of the Catholick Church was duly maintained, and Diſcipline for the moſt Part kept up in its true Vigour and Glory.

Sect. 11. *And avoided alſo in Civil Commerce and outward Converſation: And allowed no Memorial after Death.*

BUT Fourthly, *Syneſius* in the forementioned Form of Excommunication, not only ſpeaks of denying Men Communion in ſacred Things, but alſo in Civil Commerce and external Converſation: No one was to receive excommunicated Perſons into their Houſes, nor eat at the ſame Table with them; they were not to converſe with them familiarly, whilſt Living; nor perform the Funeral Obſequies for them, when Dead, after the ſolemn Rites and Manners that were uſed toward other Chriſtians. Theſe Directions were drawn up upon the Model of thoſe Rules of the Apoſtles, which forbad Chriſtians to give any Countenance to notorious Offenders, continuing impenitent, even in Ordinary Converſation. As

that of St. *Paul*, 1 Cor. v. 11. *I have written unto you not to keep Company, if any Man that is called a Brother, be a Fornicator, or Covetous, or an Idolater, or a Railer, or a Drunkard, or an Extortioner, with ſuch an one no not to eat.* And again, *Rom.* xvi. 17. *Mark them which cauſe Diviſions and Offences, contrary to the Doctrine which ye have learned, and avoid them.* And 2 *Theſſ.* iii. 14. *If any Man obey not our word by this Epiſtle, note that Man, and have no Company with him, that he may be aſhamed.* And that of St. *John*, *If there come any unto you, and bring not this Doctrine, receive him not into your Houſe, neither bid him, God ſpeed. For he that biddeth him God ſpeed, is Partaker of his evil Deeds*, 2 John 10, 11. In Conformity to theſe Rules, and the Reaſons here aſſigned for the Obſervation of them, the Ancients made ſtrict Laws to forbid all familiar Intercourſe with excommunicated Perſons in Ordinary Converſation, unleſs ſome abſolute Neceſſity, or ſome greater and more obliging moral Conſideration required them to do otherwiſe. The firſt Council of *Toledo* has four or five Canons to this Purpoſe [g]. It will be ſufficient to recite the firſt of them, which is in theſe Words: "If any Lay-"man is excommunicated, let no Clerk or reli-"gious Perſon come near him or his Houſe. In "like manner if a Clergyman is excommunicated, "let the Clergy avoid him. And if any is found "to converſe or eat with him, let him alſo "be excommunicated". The ſecond Council of *Arles*

[g] Conc. Toler. 1. can. 15. Si quis Laicus abſtinetur, ad hunc vel ad Domum ejus, Clericorum vel Religioſorum nullus accedat. Similiter & Clericus, ſi abſtinetur, à Clericis deviretur. Si quis cum illo colloqui aut convivari fuerit deprehenſus, etiam ipſe abſtineatur. Vid. can. 7. 16. & 18. ibid.

Arles [*b*] orders a ſuſpended Biſhop to be excluded not only from the Converſation and Table of the Clergy, but of all the People likewiſe. And many other ſuch Canons occur in the Councils of *Vannes* [*i*] and the firſt of *Tours* [*k*] and the firſt of *Orleance* [*l*], excluding excommunicate Perſons from all Entertainments of the Faithfull. The Apoſtolical Canons [*m*] forbid any one to communicate in Prayer ſo much as in a Private Houſe with excommunicate Perſons, under the ſame Penalty of Excommunication. And if they happened to die in profeſt Rebellion and Contempt of Penance, then they were treated as all other Contemners and Deſpiſers of holy Ordinances were, by being denied the Honour and Benefit of Chriſtian Burial. No Solemnity of Pſalmody or Prayers was uſed at their Funeral; nor were they ever to be mentioned among the Faithfull out of the *Diptychs*, or holy Books of the Church, according to Cuſtom in the Prayers at the Altar. This is evident, not only from what is ſaid by *Syneſius*, but from the whole Tenour of Eccleſiaſtical Diſcipline; which excludes all that die in profeſt Rebellion and Contempt, from the Privilege of Chriſtian Burial, ſuch as Catechumens dying in wilful Neglect of Baptiſm, and thoſe that laid violent Hands upon themſelves, and ſuch like, as all dying in Impenitency and a deſperate Condition [*n*]. And it is farther evident from that very Exception, which we have obſerved be-

[*b*] Conc. Arelat. 2. can. 30. Suſpenſum Epiſcopum non ſolum à Clericorum, ſed etiam à totius populi Colloquio atque convivio placuit excludi. [*i*] Conc. Veneticum can. 3. A Conviviis fidelium ſubmovendos. Conc. Ilerden. c. 4. [*k*] Conc. Turon. 1. can. 8. A Convivio fidelium extraneus habeatur. [*l*] Conc. Aurel. 1. can. 3, 5, 13. Conc. Carthag. 4 can. 70. [*m*] Canon Apoſt. can. 11. [*n*] Vid. Conc. Bracar. 1. can. 34 & 35.

fore [*] to be made in Favour of ſuch humble Penitents, as modeſtly ſubmitted to the Diſcipline of the Church, and were labouring earneſtly to obtain a Re-admiſſion, but were ſnatched away by ſudden Death, before they could obtain the Formality of an Abſolution: In this Caſe, as I ſhewed, the Canons [o] allowed their Oblations to be received, and their Funeral Obſequies to be celebrated after the uſual Solemnity and Manner of the Church: Which Exception ſuppoſes, that all the reſt, who died Refractory and Impenitent, were wholly denied theſe Privileges, as a juſt Conſequence of their Cenſures. Not to mention now the Cuſtom of eraſing the Names of excommunicate Perſons out of the *Diptychs*, or ſacred Regiſters of the Church, which was the immediate Effect of Excommunication, and excluded them from all the Privileges of any future Memorial [p] or Commemoration, till they were reſtored again. I will not ſtand now to diſpute, whether this Cuſtom took its Original from the Practice of the *Jewiſh* Synagogue; or whether our Saviour alluded to that Practice, as ſome Learned Men [q] think, when he ſaid to his Diſciples, *Luke* vi. 22. *Bleſſed are ye, when they ſhall ſeparate*, or excommunicate, *you out of the Synagogue, and caſt out*, or expunge, *your Names out of the Holy Books*: Certain it is, that as this eraſing or expunging the Names of excommunicate Perſons out of the *Diptychs* was uſed in the Chriſtian Church, it always implied the Denial of Communion to them even after Death: They could neither have a Chriſtian Burial, nor a Chriſtian Commemoration, among thoſe that were departed in the true Faith and Unity of the Church; but

[*] Chap. i. n. 7. [o] Vid. Conc. Vaſenſe. 2. can. 2.
[p] Vid. Evagrium. Lib. 3. cap. 24. [q] Dodwel. Diſſert. 5. in Cyprian. n. 18.

but were excluded, both Living and Dying, from all Society both Sacred and Civil, as the immediate Effect and Conſequence either of a voluntary and choſen, or a judicial and penal Excommunication.

FOR to ſhew that theſe were not mere empty and ineffective Laws, we may often obſerve them in a remarkable Manner put in Practice. *Irenæus* [r] tells us from thoſe who had it from the Mouth of *Polycarp*, that when he once occaſionally accompanied St. *John* into a Bath at *Epheſus*, and they there found *Cerinthus* the Heretick, St. *John* immediately cried out to *Polycarp*, Let us fly hence, leſt the Bath ſhould fall, in which *Cerinthus* the Enemy of Truth is. *Euſebius* and *Theodoret* [s] both mention the ſame Story out of *Irenæus*; and *Epiphanius* alſo [t] relates it at large, only with this Difference, that it was *Ebion* the Heretick, to whom by the Guidance of the Spirit he ſhewed this Averſion, for a Memorial and Example to future Ages. Whence *Baronius* conjectures [u], both thoſe Hereticks might be preſent, and that the Saying had equal Relation to them both. *Irenæus* in the ſame Place adds this farther concerning *Polycarp*, that happening once to meet *Marcion* the Heretick, and *Marcion* asking him whether he did not know him, he replied, Yes, I know thee to be the Firſt-born of Satan. So cautious, ſays *Irenæus*, were the Apoſtles and their Diſciples, not to communicate ſo much as in word, μὴ μεχρὶ λόγε κοινωνεῖν, with the Perverters of Truth, according to that of St. *Paul*, *A Man that is an Heretick after the firſt and ſecond Admoni-*

[r] Iren. Lib. 3. cap. 4. [s] Euſeb. Lib. 4. cap. 14. Theod. de Fabul. Hæretic. Lib. 2. cap. 7. [t] Epiph. Hæreſ. 30. Ebionit. n. 24. [u] Baron. an. 74. n. 9 Suicer. Theſaur. Eccleſ. voce, Αἱρετικὸς. T. 1. p. 128.

tion reject, knowing that such an one is subverted, and sinneth, being condemned of himself. In like manner St. *Ambrose* observes of a certain Christian Judge, in the Time of *Julian,* that having condemned one of his Brethren for demolishing an Altar, no one would vouchsafe [x] to associate with him, no one would speak to him or salute him. And St. *Basil* Writing to *Athanasius* concerning a certain Governour of *Libya* (whom *Athanasius* had excommunicated for his Immoralities, and according to Custom had given Notice of it to *Basil*) tells him, they would all avoid him, and have no Communion with him in Fire, or Water, or House, that is, in the common ways of Ordinary Conversation. A great many other Instances of the like Kind might be given, but I shall only add that of *Monicha* St. *Austin*'s Mother toward her Son, whilst he continued a *Manichee.* St. *Austin* himself tells us [z], That she so detested the Blasphemies of his Error, and had such an Aversion to him upon the Account of them, that she would not admit him to eat with her at the same Table in her own House. This was according to the Discipline then practised in the Church, to deny Sinners not only Communion in sacred Things, but also in the Civil Commerce of Ordinary Conversation.

Sect. 12. *The Grounds and Reasons of this Practice.*

Now all this was done for very wise Ends and Reasons of Christian Prudence and Charity. 1. To make Sinners ashamed, and by that shame to bring them to Repentance.

[x] Ambros. Ep. 29. ad Theodos. Nemo illum congressu, nemo illum unquam Osculo dignum putavit. [y] Basil. Ep. 47. [z] Aug. Confes. Lib. 3. cap. 11. Nolle habere secum eandem mensam in domo, aversans & detestans Blasphemias cordis mei. Vid. Ser. 215. de Tempore.

pentance. This is the Reaſon given by the Apoſtle, *Note that Man, and have no Company with him, that he may be aſhamed.* 2. To terrify others by their Example. Both theſe Reaſons are aſſigned by the Canon of the Council of *Tours*, which orders relapſing Sinners to be excluded both from the Communion of the Church [*a*] and the Entertainments of the Faithfull, that the Shame and Confuſion ariſing from ſuch Treatment might bring them to Compunction, and terrify others by their Example. 3. A Third Reaſon was the Fear of partaking in other Mens Sins; if by their Society they ſeemed to ſhew any Countenance to them, it would be an hardning them in their Iniquity, and involve ſuch as contributed thereto, in the ſame Guilt with the Criminals themſelves. Therefore, ſays St. *Cyprian* [*b*], we ought to withdraw from Sinners, and even fly from them, leſt if a Man join himſelf to thoſe that walk diſorderly, and go in the Paths of Error and Wickedneſs, he himſelf alſo be held in the Guilt of the ſame Crimes. For this Reaſon, writing to the People of *Leon* and *Aſtorga* in *Spain*, (where two Biſhops, *Baſilides* and *Martial*, had been depoſed for lapſing into Idolatry, who afterwards made an Attempt to draw in the People to accept them again for their Biſhops, after others had regularly by the Diſcipline of the Church been ordained in their Room) he tells them, they ſhould not flatter themſelves, as if they were free

[*a*] Conc. Turon. 1. can. 8. A Communione Eccleſiæ, vel a convivio Fidelium extraneus habeatur, quo facilius & ipſe compunctionem per hanc confuſionem accipiat, & alij ejus terreantur exemplo. [*b*] Cypr. de Unit. Eccleſ. p. 119. Recedendum eſt a delinquentibus, vel imo fugiendum, ne dum quis male ambulantibus jungitur, & per itinera erroris & criminis graditur, pari crimine & ipſe teneatur.

free [c] from partaking in Sin, if they communicated with a ſinful Biſhop, and gave their Conſent to the unlawful and unjuſt Eſtabliſhment of him in his Biſhoprick, ſince the Divine Judgment had threatned and ſaid by the Prophet *Hoſea*, *Their Sacrifices ſhall be unto them as the Bread of Mourners: All that eat thereof, ſhall be polluted*: Teaching and ſhewing us, that all Men are bound over unto Sin, who are defiled with the Sacrifice of a prophane and unjuſt Prieſt. Which we find alſo to be declared in the Book of *Numbers*, when *Korah*, *Dathan* and *Abiram* aſſumed to themſelves the Power of offering Sacrifice in Oppoſition to *Aaron* the Prieſt. There the Lord commanded the People by *Moſes* to ſeparate themſelves from them, leſt if they were joined with thoſe wicked Men, they ſhould be ſmitten in their Wickedneſs. *Depart*, ſays he, *from the Tents of theſe hardned Men, and touch nothing of theirs, leſt ye be conſumed in all their Sins.* 4. A Fourth Reaſon was, to avoid Contagion and Infection. For converſing with prophane Men is endangering a Mans own Vertue. Evil Communications corrupt good Manners. An infected Member often deſtroys the whole Body. Therefore as vile and notorious Sinners were for this Reaſon cut off from the Body of the Church: So for the ſame Reaſon all Men were afterwards to avoid their Society, for fear the Poiſon of their infamous Converſation ſhould infect their Morals, and diffuſe itſelf into their Minds by any artful Conveyance of cunning Craftineſs, or the natural Influence

[c] Cypr. Ep. 68. al. 67. ad Plebem Legionis & Aſturicæ, p. 171. Nec ſibi Plebs blandiatur, quaſi immunis eſſe a contagio delicti poſſit, cum ſacerdote peccatore communicans, & ad injuſtum atque illicitum Præpoſiti ſui Epiſcopatum conſenſum ſuum commodans, &c.

fluence of bad Example. *For wicked Men ſpeak with their Feet, and teach with their Fingers,* as the *Wiſe Man* elegantly words it: Their Actions, as well as their Diſcourſes, are of a malignant Influence, and are apt to leave ill Tinctures and Impreſſions upon the Minds of others, ſo that a Man cannot ordinarily converſe with them without Danger of Infection. Therefore, ſays *Cyprian,* avoid ſuch Men, and drive [*d*] away their pernicious Communications both from your Converſation and your Ears, as the Contagion of Death. For thus it is written, *Hedge about thy Ears with Thorns, and hearken not to an evil Tongue.* And again, *Evil Communications corrupt good Manners.* Our Lord teaches and admoniſhes us to withdraw from ſuch, ſaying, *They are blind Leaders of the Blind: And if the Blind lead the Blind, they ſhall both fall into the Ditch.* But fifthly, admitting ſome could converſe with ſuch without Danger to themſelves, they could not without manifeſt Danger to others, who are weak and apt to be emboldned to follow the Example of the ſtrong to their apparent Ruin and Deſtruction. For theſe and the like Reaſons, whenever the Church caſt any notorious Offenders wholly out of her Communion, ſhe prohibited all others from converſing with them, both in Kindneſs to the Sinners and to the Righteous, leſt the one ſhould be hardned in their Impenitency, and the other corrupted by the ſpreading Contagion and Infection.

[*d*] Cypr. de Unit. Eccleſ. p. 115. Vitate, quæſo vos, ejuſmodi homines, & a latere atque auribus veſtris pernicioſa Colloquia, velut contagium mortis arcete, &c.

Sect. 13.
No Donations or Oblations allowed to be received from excommunicate Persons.

IT is farther obſervable, That as an Indication of the Church's Abhorrence of excommunicate Perſons, ſhe allowed no Gifts or Oblations to be received from them; becauſe that might have been interpreted retaining them ſtill in ſome meaſure in her Communion, and involving herſelf in the Guilt of filthy Lucre. Therefore ſhe never admitted any one to make Oblations but ſuch as were in full Communion with her, and might lawfully partake of the Sacrifice of the Altar, as I have had Occaſion to ſhew more fully [*] in another Place. Here I only note it again as a Thing moſt remarkable, That ſhe had ſuch an Averſion to any Thing that appertained to them, that ſhe would not ſo much as retain thoſe Gifts, which any ſuch Perſons had freely offered, whilſt they were in Communion with her. This we learn from *Tertullian*, who ſpeaking of the Expulſion of *Valentinus* and *Marcion* for their Hereſies at *Rome*, ſays, They were caſt out once and again [e], and particularly *Marcion* with his two hundred *Seſtertia*, which he had brought into the Church.

Sect. 14.
No one to marry with excommunicate Hereticks, or receive their Eulogiæ, *or read their Books; but burn them.*

THERE are ſeveral other Inſtances of their Averſion to Hereticks in particular, when once the Cenſures of the Church were paſſed upon them. The Council of *Laodicea* not only forbids all Men to frequent their *Cemeteries* and [f] and Meetings held at the Monu-

ments

[*] Book XV. Chap ii. [e] Tertul. de Præſcript. adv. Hæretic. cap. 30. ſemel & iterum ejecti, Marcion quidem cum ducentis Seſtertiis ſuis, quæ Eccleſiæ intulerat, &c.
[f] Vid. Conc. Laodic. can. 9. 33, & 34.

ments of their pretended Martyrs, or any where to pray with them; but alſo to receive any Preſents under the Name of *Eulogiæ* from them [g]; becauſe this was in ſome ſort to communicate with them; theſe *Eulogiæ*, or ſanctified Loaves, being one Way of teſtifying Mens Communion one with another. The ſame Council alſo forbids all Members of the Church to enter into Communion with Hereticks [b] by giving their Sons or Daughters in Marriage to them; neither are they allowed to take the Sons or Daughters of Hereticks in Marriage to themſelves, unleſs they promiſe to become [i] Chriſtians. Where we may obſerve alſo, That they did not allow Hereticks, after they had broken the Faith and Communion of the Church, abſolutely ſpeaking, ſo much as the Name of Chriſtians. Other Laws ſtrictly prohibit Men to read the Books of Hereticks, as imagining that the Poyſon of their Errors was in a great Meaſure diſperſed and convey'd by them. *Socrates* [k] has recorded a Letter of *Conſtantine the Great*, wherein he orders the *Arians* to be branded and ſtigmatized with the Name of *Porphyrians*, and their Books to be burnt, and makes it Death for any one to conceal them and ſave them from the Flames. And there are two Laws now extant in the *Theodoſian Code*, wherein the very ſame Things are enjoyned under very ſevere Penalties. The firſt is a Law made by *Arcadius* and *Honorius* againſt the *Eunomians*, a noted Branch of the *Arian* Hereſy,

[g] Ibid. can. 32. ἐ δὲ αἱρετικῶν εὐλογίας λαμβάνειν, &c.

[b] Ibid. can. 10. Μὴ δεῖν τοὺ τῆς ἐκκλησίας ἀδιαφόρως πρὸς γάμου κοινωνίαν συνάπτειν τὰ ἑαυτῶν παιδία αἱρετικοῖς.

[i] Ibid. can. 31. Vid. Conc. Eliberit. can. 16.

[k] Socrat. Lib. 1. cap. 9.

Hereſy, wherein their Books [*l*] are ordered to be ſought after with a very diligent Search, and to be burnt in the Sight of the Judges. And if any one was convicted of fraudulent hiding, and not diſcovering them, he ſhould be puniſhed with Death, as a Retainer and Concealer of pernicious and magical Books, containing the Inſtitutions of all manner of Wickedneſs. The other Law was made by *Theodoſius* Junior againſt the *Neſtorians*, where he refers to the former Law of *Conſtantine*, and orders the Followers of *Neſtorius* to be called *Simonians*, for their imitating the portentous Superſtitions of *Simon Magus*, as *Conſtantine* had appointed the *Arians* to be called *Porphyrians*, from *Porphyry* the Heathen. Then he orders their Books, written againſt the Catholick Faith and the Council of *Epheſus*, to be publickly burnt [*m*], forbidding any one to have, read, or tranſcribe them, under Pain of Confiſcation. This Cuſtom of burning heretical Books, is confirmed by many other Laws, of which more hereafter, when we come to ſpeak of the Puniſhment of Hereticks in particular. Here I obſerve, That the Prohibition of Reading or Retaining them was ſo limited by the Church, as to allow Biſhops to read them, when Time and Neceſſity [*n*] ſo required, in order

[*l*] Cod. Theod. Lib. 16. Tit. 5. de Hæretic. Leg. 34. Codices ſane eorum, ſcelerum omnium doctrinam ac materiam continentes, ſumma ſagacitate mox quæri, ac prodi exerta auctoritate mandamus, ſub aſpectibus eorum judicantum incendio mox cremandos. Ex quibus ſi quis forte aliquid qualibet occaſione, vel fraude occultaſſe, nec prodidiſſe convincitur, ſciat ſe, velut noxiorum Codicum, & Maleficii crimine conſcriptorum, retentorem, capite eſſe plectendum. [*m*] Cod. Theod. Lib. 16. Tit. 5. Leg. 66. & in Actis Conc. Epheſ. Par. 3. cap. 46. [*n*] Conc. Carthag. 4. can. 16. Ut Epiſcopus Gentilium Libros non legat; Hæreticorum autem pro Neceſſitate & Tempore. *See Book* VI. *Chap.* iii. *n.* 4. *where this Queſtion is more fully handled.*

der to confute them. For the fourth Council of *Carthage*, which forbids them univerſally the Reading of Heathen Authors, allows the Reading of heretical Books, with this Limitation and Reſtriction. And therefore the retaining them in this Caſe, was not to be interpreted that fraudulent Retaining and Concealment, which the Imperial Laws condemned under the Penalties of Confiſcation and Death. *Gothofred* obſerves one Thing farther upon the Uſefulneſs and Effect of theſe Laws, which is fit to be remarked [o], That the Terror of them made Hereticks very cautious how they diſpers'd their Books, and others as cautious how they retained or concealed them: Inſomuch, that when St. *Baſil* was about to confute the firſt Book of *Eunomius*, he had an hard Matter to compaſs it, as *Photius* [p] reports, the *Eunomians* were ſo induſtrious in Concealing it. And when *Eunomius* had written his latter Books in Anſwer to *Baſil*, he durſt not publiſh them, but only among his Confederates, in St. *Baſil*'s Life-time, for Fear of *Baſil*; and after his Death [q], durſt only truſt them in the Hands of his Friends, for Fear of the Penalties which the Laws had laid upon them, though *Philoſtorgius* [r], the *Arian* Hiſtorian makes bold, after his Manner, to give a different Relation of it.

Sect. 15. *What meant by Delivering unto Satan.*

THERE are two or three Things more, relating to the Manner, and Form, and Effects of Excommunication, which have ſomething of Difficulty in them, and therefore it will be proper to give them a little Explication here. The firſt Difficulty ariſes from the Apoſtle's Order,

[o] Gothofred. in Cod. Theod. Lib. 16. Tit. 5. Leg. 34.
[p] Phot. Cod. 137. [q] Id. Cod. 138, [r] Philoſtorg. Lib. 8. cap. 12.

Order given to the *Corinthians*, how to proceed againſt the inceſtuous Perſon, who had marry'd his Father's Wife, 1 *Cor.* v. 5. where he enjoyns them, in the Name, and with the Power of the Lord JESUS CHRIST, to *deliver ſuch an one unto Satan, for the Deſtruction of the Fleſh, that the Spirit may be ſaved in the Day of the Lord Jeſus.* So again, 1 *Tim.* i. 20. ſpeaking of *Hymenæus* and *Philetus*, he ſays, *Whom I have delivered unto Satan, that they may learn not to blaſpheme.* There are two famous Expoſitions of theſe Paſſages. Biſhop *Beveridge* [*s*] and *Eſtius* [*t*], after *Balſamon* and *Zonaras* [*u*], with many other Modern Interpreters, whom *Eſtius* mentions, think that *Delivering unto Satan*, is but another Expreſſion for Excommunication, and the ſpiritual Effects conſequent to it, that is, the Puniſhment of the Soul, and not of the Body. For when Men are caſt out of the Society of the Faithful, which is the Church of CHRIST, they are thereby deprived of all the Benefits that are proper and peculiar to that Society; as the Common Prayers of the Church, the publick Uſe of the Word or Doctrine, the Participation of the Sacrament, the Paſtoral Care of thoſe that preſide over them, and the ſpecial Grace of Divine Protection; and ſo remain expoſed to the Tyranny and Incurſions of Satan, whoſe Kingdom is without the Church. And thus far they allow, That every excommunicated Perſon was delivered unto Satan, but not for any corporal Vexation or Puniſhment to be inflicted on him. Others are of Opinion, That beſides this ſpiritual Puniſhment naturally conſequent to Excommunication, there was in the Apoſtles Days another Conſequent of

[*s*] Bevereg Not. in Can. Apoſt. 10. [*t*] Eſtius in 1 Cor. v. 5. [*u*] Balſam. & Zonar. in Baſil. can. 7.

of it, which was corporal Power and Poſſeſſion, or the Infliction of bodily Vexations and Torments by the Miniſtry of Satan on thoſe who were delivered unto him. Dr. *Hammond*, and *Grotius*, and *Lightfoot*, are the great Supporters of this Opinion among the Moderns, and they have almoſt the general Concurrence of the ancient Interpreters on their Side; which *Eſtius* does not much deny, though he choſe to follow *Peter Lombard* and *Aquinas*, and the ordinary Gloſs againſt them. He owns St *Chryſoſtom* and the *Greeks* were wholly of this Opinion; and among the *Latins*, St. *Ambroſe* and *Pacian*; and St. *Auſtin* alſo, though not very poſitive, he thinks, in his Aſſertion. But he is miſtaken; for St. *Auſtin* was clearly of this Opinion. He does not ſay, indeed, it was Death, which the Apoſtle inflicted upon the *Corinthian*, as St. *Peter* did upon *Ananias* and *Sapphira*; but he ſays expreſsly, it was ſome Puniſhment [x] inflicted on him by the Miniſtry of Satan. Which he diſtinguiſhes from a common Excommunication, by the Name of *Flagellum Domini*, the Scourge of the LORD; which, he ſays, the Apoſtle uſed upon ſome ſpecial Occaſions, when there was no Way to cure an epidemical Diſeaſe, or correct a ſingle Sinner, buoy'd up and favoured by the Multitude [y], but only by interceding with

[x] Aug. de ſermone Dom. in monte. Lib. 1. cap. 20. Etſi nolunt hic mortem intelligere, quod fortaſſe incertum eſt, quamlibet vindictam per Satanam factam ab Apoſtolo fateantur.

[y] Aug. Epiſt. Parmen. Lib. 3. cap. 2. Quid aliud dicit hic, Non parcam: niſi quod ſuperius ait, Et lugeam multos: ut luctus ejus impetraret Flagellum a Domino, quo illi corriperentur, qui jam propter multitudinem non poterant ita corripi, ut ab eorum conjunctione ſe cæteri continerent, & eos erubeſcere facerent? —— Et revera ſi contagio peccandi multitudinem invaſerit, Divinæ diſciplinæ ſevera miſericordia neceſſaria eſt: Nam Conſilia ſeparationis & inania ſunt & pernicioſa atque ſacrilega; quia & impia & ſuperba fiunt, & plus perturbant infirmos bonos, quam corrigant animoſos malos.

GOD to take the Matter into his own Hand, and uſe the ſevere Mercy of his own divine Diſcipline upon them, when the Contagion of Sin had invaded a Multitude; in which Caſe, it were not only in vain to adviſe Men to ſeparate from Sinners, but pernicious and ſacrilegious; becauſe ſuch Counſels in ſuch a State of Affairs would be thought impious and proud, and more tend to diſturb good Men that were weak, than correct the Stubborneſs and Animoſity of the Evil. In this Senſe he there alſo in like manner interprets two other Paſſages of the Apoſtle, 2 *Cor.* xii. 21. *Leſt when I come again, my God will humble me among you, and I ſhall bewail many which have ſinned already, and have not repented of the Uncleanneſs and Laſciviouſneſs, and Fornication which they have committed.* And 2 *Cor.* xiii. 1, 2. *This is the third time I am coming to you: In the Mouth of two or three Witneſſes ſhall every Word be eſtabliſhed. I foretold you before, and foretell you as if I were preſent the ſecond time, and being abſent, I now write to them which heretofore have ſinned, and to all other, that if I come again, I will not ſpare; ſince ye ſeek a Proof of Chriſt ſpeaking in me.* Here, he ſays, the Apoſtle does not threaten them with that Puniſhment, which ſhould make others abſtain from their Society, but by his Prayers and Tears to turn them over [z] to the Divine Scourge to correct them; and that this was the Power of CHRIST ſpeaking in him. Where nothing can be plainer, than that St. *Auſtin* diſtinguiſhes this as an extraordinary Power from the ordinary Power of Excommunication, which the Apoſtle had in Reſerve for ſuch difficult Caſes, where the ordinary Power of Excommunication, by reaſon of the

[z] Ibid. Per luctum ſuum potius eos Divino Flagello coercendos minans, quàm per illam correptionem, ut cæteri ab eorum conjunctione ſe contineant.

the Multitude or Confederacy of Sinners, would not by its own bare Virtue prove effectual. So that, according to him, this Power of Delivering unto Satan, was ſomething ſuperior to that ordinary Power of caſting Men out of the Church and the Society of the Faithful. St. *Ambroſe* was of the ſame Mind with St. *Auſtin*: For explaining how the inceſtuous Man was puniſhed, he ſays, As the LORD gave the Devil no Power over the Soul of holy *Job*, but only permitted him to afflict his Body; ſo this Man [*a*] was delivered to Satan. And St. *Jerom* ſays [*b*], The Apoſtle commanded him to be put under Penance for the Deſtruction and Vexation of the Fleſh by Faſting and Sickneſs, that his Spirit might be ſaved. And ſo *Pacianus* [*c*], by the Deſtruction of the Fleſh, underſtands Tribulation and Infirmities of the Body. The Author of the *Short Notes* [*d*] under the Name of St. *Jerom*, ſays the ſame. So likewiſe *Caſſian* [*e*], to whom *Eſtius* himſelf adds *Primaſius* and *Haimo*. St. *Chryſoſtom* among the *Greeks*, gives the ſame Senſe of the Apoſtle's Words. He ſays, The Apoſtle delivered the *Corinthian* Offender to Satan, as to a Schoolmaſter, for the Deſtruction of the Fleſh. As it happened to holy *Job*, but not for the ſame Cauſe: For there it was done to make his Crown of Glory more illuſtrious; but here the Man only gains Remiſſion of his Sins: That Satan might tor-

[*a*] Ambroſ. de Pœnit. Lib. 1. cap. 12. Sicut Dominus in animam ſancti Job poteſtatem non dedit, ſed in carnem ejus permiſit licentiam, ita & hic traditur Satanæ. [*b*] Hieron. Com. in Gal. 5. Præcepit eum tradi Pœnitentiæ, in interitum & vexationem carnis, per Jejunia & Ægrotationes, ut ſpiritus ſalvus fiat. [*c*] Pacian. Ep. 3. ad. Sempronian. Bibl Patr. Tom. 3. p. 66. Ad ſolius carnis interitum, tentationes ſcilicet, carnis anguſtias, detrimenta membrorum. [*d*] Hieron. Com. in 1 Cor. 5. 5. [*e*] Caſſian. Collat. 7. cap. 25, 26, 27, 28.

ture him with ſome cruel Ulcer, or other Diſeaſe. And he obſerves how the Apoſtle ſays elſewhere, that ſuch Diſeaſes were ſometimes inflicted on Sinners immediately by the Hand of GOD: *When we ſuffer ſuch Things, we are judged of the Lord:* But here he delivers him to Satan, the more ſenſibly to touch and affect him [*f*]. He gives the ſame Expoſition of the Apoſtle's Words concerning *Hymenæus* and *Philetus, Whom I have delivered unto Satan, that they may learn not to blaſpheme.* As Executioners, ſays he, though they be very wicked themſelves, are made Inſtruments [*g*] of chaſtizing others: So here it is with the wicked Devils. *Job* was thus delivered to Satan, not for his Sins, but to obtain the greater Glory. He adds, That GOD often did this immediately by his own Power, without the Intervention of any humane Miniſtry. For many times the Prieſts know not who are Sinners, or who are unworthy Partakers of the Holy Myſteries: Therefore GOD takes the Judgment into his own Hands, and delivers them unto Satan. For when Diſeaſes, or Misfortunes, or Sorrows, or Calamities, or any Thing of the like kind befalls Men, it is for this Reaſon, as *Paul* alſo intimates, ſaying, *For this Cauſe many are ſick and weak among you, and many ſleep. Theodoret* follows *Chryſoſtom* in his *Expoſition:* For ſpeaking of *Hymenæus* and *Alexander*, he ſays, The Apoſtle delivered them to Satan, as to a cruel Executioner [*h*]; for being ſeparated from the Body of the Church, and left deſtitute of Divine Grace, they were cruelly tormented by the Adverſary, falling into Diſeaſes, and Sufferings, and other Evils and Calamities, which the Devil is wont to inflict upon Men. Now this being the general Senſe of the Ancients, both

[*f*] Chryſ. Hom. 15. in 1 Cor. p. 451. [*g*] Hom. 6. in 1 Tim. p. 1547. [*h*] Theod. in 1 Tim. 1. 20.

both *Greek* and *Latin*, That this was an extraordinary Apoſtolical Power, diſtinct from the ordinary Power of Excommunication; we do not find that they ordinarily made uſe of this Phraſe, *Delivering unto Satan*, in any of their Forms of Excommunication; as being ſenſible, that the Church, after the Power of Miracles was ceaſed, had no Pretence to the Power of inflicting bodily Diſeaſes, as the Apoſtles had, upon excommunicate Perſons by the Miniſtry of Satan. *Caſſian* [*i*] indeed tells us, That he knew ſeveral holy Men, that were corporally delivered to Satan, and to great Infirmities for ſmall Offences. But that was by the immediate Hand of GOD, and his Chaſtiſements, and not by the Cenſures of the Church, which did not excommunicate holy Men, nor any others, for ſmall Offences. The Author of the Life of St. *Ambroſe* [*k*] ſays alſo, That he having to deal with a very flagitious Sinner, ſaid, He ought to be delivered to Satan for the Deſtruction of the Fleſh, that no one may dare to commit ſuch Things for the future. And he had no ſooner ſpoken the Word, but immediately, the very ſame Moment, an unclean Spirit ſeized the Man, and began to tear him. But this, if true, was a ſingular Inſtance of Apoſtolical and Miraculous Power yet remaining in St. *Ambroſe*, and there is ſcarce a parallel Inſtance to be met with in all the Hiſtory of the Church. The Canons of old very rarely uſed this

[*i*] Caſſian. Collat. 7. cap. 25. Corporaliter traditos Satanæ, vel infirmitatibus magnis, etiam viros ſanctos novimus, pro leviſſimis quibuſque delictis, &c. [*k*] Paulin. Vit. Ambroſ. Cum deprehendiſſet auctorem tanti flagitii, ait, Oportet illum tradi Satanæ in interitum carnis, ne talia aliquis in poſterum audeat admittere. Quem eodem momento, cum adhuc ſermo eſſet in ore ſacerdotis ſancti, ſpiritus immundus arreptum diſcerpere cœpit.

Phraſe. St. *Baſil* mentions it [*l*] once, and *Gratian* cites an Epiſtle of Pope *Pelagius* [*m*], where it is ſaid, By the Example of Apoſtolical Authority, we have learned to deliver unto Satan erring Spirits, which draw others into Error, that they may learn not to blaſpheme. But in theſe Places it ſeems to mean no more than Excommunication or Expulſion out of the Church, which is the ſpiritual delivering up to Satan, without any Regard to bodily Torture. For all Men are ſenſible, that ſince the Apoſtles Days there was no ſuch Power generally granted to the Miniſters of the Church. And for this Reaſon, *Peter du Moulin* [*n*] tells us, the Reformed Church of *France* in their National Synod of *Alez*, at which he himſelf aſſiſted as Moderator, *An.* 1620, made an Order, That in Excommunication, no one ſhould uſe the Form, of *Delivering unto Satan.* Neither ſhould the Cenſure of *Anathema Maranatha* be pronounced againſt any Man; foraſmuch as no one ought to uſe that Form, but he that knows the Secrets of Reprobation, and can tell by the Revelation of GOD's Spirit, whether the Perſon excommunicated has ſinned againſt the Holy Ghoſt, or the Sin unto Death, that is, with ſuch Impenitency as will be final, and continue unto Death; for which, St. *John* ſays, no one ought to pray. The Prohibition here of the Uſe of the Form *Anathema Maranatha*, leads us to another Enquiry, What the Ancients underſtood by it; and whether they uſed it at any time as a Form of Excommunication?

Anathema,

[*l*] Baſil. Can. 7. [*m*] Pelag. ap. Grat. Cauſ. 24. Quæſt. 3. cap. 13. Apoſtolicæ auctoritatis exemplo, errantium, & in errorem mittentium Spiritus tradendos eſſe Satanæ, ut blaſphemare dediſcant. [*n*] Molinæi Vates, ſeu de bonis maliſque Prophetis. Lib 2. cap. 11. p. 114.

Sect. 16. *What by* Anathema Maranatha, *And whether any ſuch Forms of Excommunication were in Uſe in the ancient Church.*

Anathema, is a Word that occurs frequently in the ancient Canons, and the Condemnation of all Hereticks. The Council of *Gangra* cloſes every one of its Canons with the Words, ἀνάθεμα ἔϛω, *Let him be* Anathema, or accurſed, that is, ſeparated from the Communion of the Church, and its Privileges, and from the Favour of GOD, without Repentance, that goes againſt the Tenour of the Thing there decreed. And this is the ſtile of moſt other Councils, grounded upon that Form of St. *Paul*, *If we, or an Angel from Heaven, preach any other Goſpel unto you, than that which we have preached unto you, let him be* Anathema, or accurſed. But the adding of *Maranatha* to *Anathema*, is not ſo common. There is little ſaid of the Word itſelf among the Ancients, and [o] leſs of its Uſe in any Form of Excommunication. St. *Chryſoſtom* [p] ſays, it is an *Hebrew* Word, ſignifying, *The Lord is come*: And he particularly applies it to the Confuſion of thoſe who ſtill abuſed the Privileges of the *Goſpel*, notwithſtanding that the LORD was come among them. This Word, ſays he, ſpeaks Terror to thoſe, who make their Members the Members of an Harlot, who offend their Brethren by eating Things offered to Idols, who name themſelves by the Names of Men, who deny the Reſurrection. The LORD of All is come down among us; and yet ye continue the ſame Men ye were before, and perſevere in your Sins. St. *Jerom* ſays [q], it was more a

[o] Gratian. Cauſ. 23. Quæſt. 4. cap. 30. *mentions it as uſed in a Form of Excommunication by Pope* Sylverius. [p] Chryſ. Hom. 44. in 1 Cor. p. 718. [q] Hieron. Ep. 137. ad Marcellam. Maranatha magis Syrum eſt quam Hebræum: Tamen etſi ex confinio utrarumque Linguarum aliquid & Hebræum ſonat, & interpretatur, Dominus noſter venit: Ut ſit ſenſus.

ſi

Syriack, than an *Hebrew* Word, though it had ſomething in it of both Languages, ſignifying, *Our Lord is come.* But he applies it againſt the Perverſeneſs of the *Jews*, and others who denied the Coming of CHRIST: Making this the Senſe of the Apoſtle, *If any Man love not the Lord Jeſus Chriſt, let him be* Anathema: *The Lord is come*; wherefore it is ſuperfluous for any to contend with pertinacious Hatred againſt him, of the Truth of whoſe Coming there is ſuch apparent Demonſtration. The ſame Senſe is given by *Hilary* the Deacon, and *Pelagius* who wrote under the Names of St. *Ambroſe* [r] and St. *Jerom* [s]. And it is received by *Eſtius* and Dr. *Lightfoot* as the trueſt Interpretation. So that according to this Senſe, *Maranatha* could not be any Part of the Form of Excommunication, but only a Reaſon for pronouncing *Anathema* againſt thoſe who expreſſed their Hatred againſt CHRIST, by denying his Coming; either in Words, as the *Jews* did, who blaſphemed CHRIST, and called JESUS *Anathema* or accourſed; or elſe by wicked Works, as thoſe who lived prophanely under the Name of Chriſtian.

YET others of the Ancients interpret it of the Future Coming of CHRIST. As St. *Auſtin* who ſays *Maranatha* is a *Syriack* word, ſignifying, *The Lord will* [t] *come.* And he particularly applies it againſt the *Arians*, who could not be ſaid to love the Lord, becauſe they denied his Divine Nature. Dr. *Hammond* and many other Modern Interpreters

ſi quis non amat Dominum Jeſum, Anathema ſit: Et illo completo, deinceps inferatur, Dominus noſter venit: Quod ſuperfluum ſit adverſus eum odiis pertinacibus velle contendere, quem veniſſe jam conſtet. [r] Ambroſ. in 1 Cor. 16.

[s] Hieron. in 1 Cor. 16. interpretatur, Dominus noſter venit.

[t] Aug. Ep. 178. ſive Altercatio cum Paſcentio. Anathema græco ſermone dixit, Condemnatus: Maranatha definivit, Donec Dominus redeat. — Non ergo recte dicitur Dominum amare, qui Domini & Dei unius audet ſubſtantiam ſeparare, &c.

ters [u] take *Maranatha* in this Senſe, *The Lord will come to Judgment*, as St. *Jude* ſays, *The Lord cometh with Ten Thouſands of his Saints, to excute Judgment upon all the Ungodly.* And they ſuppoſe this anſwered to the third and higheſt Degree of Excommunication among the *Jews*, called *Shammatha.* For they ſay, the *Jews* had theſe three Degrees of Excommunication, *Niddui*, *Cherem* and *Shammatha.* *Niddui* was the loweſt Degree of Excommunication, being only a Suſpenſion of the Sinner from the Synagogue and Society of his Brethren for Thirty Days, if he repented: If not, the Time was doubled to Sixty Days, and if he ſtill continued obſtinate, it was prolonged to Ninety Days. Then if he perſiſted impenitent ſtill, he was puniſhed with a more ſolemn Excommunication, called, *Cherem*, which anſwers to *Anathema* or Curſing, becauſe the Sinner was caſt out with ſolemn Execrations out of the Law of *Moſes.* The third Species, called *Shammatha*, was the moſt ſevere, when a Sinner, after all human Means had in vain been tried upon him, was conſigned over totally and finally to the Divine Judgment, as a deſperate and irrecoverable Sinner. The word *Shammatha* is upon this Account ſaid to ſignify either, *There is Death*: Or, *There ſhall be Deſolation*: Or, *The Lord cometh.* Which laſt Origination of the word anſwers to *Maranatha.* Now from this Analogy and Similitude of the Name, theſe Learned Men ſuppoſe this Form of Excommunication was taken into the Chriſtian Church under the Name of *Maranatha.* But there is this grand Objection againſt the Thing, That *Chryſoſtom* and St. *Jerom*, and the reſt that have been mentioned, did not ſo underſtand it. Beſides, that there is no ſuch word as

[u] Vid. Pool. Synopſis Criticor. in 1 Cor. 16. 22. & Otho Lexicon Rabbinic. p. 180.

as *Maranatha* ever occurs in any ancient Form of Excommunication. But ſtill the Queſtion may be put farther, Whether they had any ſuch Excommunication (be the Name or Form what it would) as was total, final and irrevocable; ſo as utterly to exclude Sinners from the Communion of the Church without hopes of Recovery; and ſo as to make the Church wholly ceaſe to pray for them, or rather pray that GOD would take them out of the World, and thereby deliver his Church from the Malice of their Attempts, and Power of their Seduction? This Queſtion conſiſts of ſeveral Parts, and therefore as it is propoſed, ſo it muſt be anſwered with ſome Diſtinction. For firſt, There is nothing more certain, than that the Church did ſometimes pronounce a Total, final and irreverſible Sentence of Excommunication againſt ſome more heinous Criminals, keeping them under Penance all their Lives, and denying them her external Peace and Communion at the Hour of Death for Example and Terror; yet not precluding them the Mercy of GOD, nor denying them the Benefit of her Prayers, but encouraging them to hope for Favour upon their true Repentance at GOD's final and unerring Judgment. In this Sence, I ſay, it is moſt certain the Church did many times make her Sentence of Excommunication irreverſible, as will be ſhewed [*] more fully hereafter.

Sect. 17.
Whether Excommunication was ever pronounced with Execration or devoting the Sinner to Temporal Deſtruction

BUT Secondly it is not ſo apparent, that the Church was uſed to join Execration to her Cenſures, and devote Men to Temporal Deſtruction, by utterly refuſing to pray for them, or rather praying againſt them, that GOD would take them out of the World, and deli-

[*] Book XVII.

deliver his Church by that Means from their malicious Power, and Machinations of Seducement. *Grotius* [x] thinks this was very rarely done, but yet that there are ſome Examples of it. For when *Julian* added to his Apoſtacy deviliſh Deſigns of rooting out the Chriſtian Religion, the Church uſed this Weapon of extreme Neceſſity, and GOD heard her Prayers. He reckons this was done in Imitation of the *Jewiſh Shammatha*. For among the *Jews*, he ſays a little before, if any fell into enormous Crimes, and drew many after them, they did not uſe the common *Anathema* againſt them, but that more dreadfull and tremendous one, which they called *Shammatha*, and the Apoſtle after them, in the ſame Senſe, *Maranatha*. For *Maranatha* ſignifies, *The Lord cometh*. And by that word [y] Prayer is made unto GOD, that he would ſpeedily take away the Malefactor and Seducer out of the World. An Example of which Sort of *Anathema*, he thinks, is given by the Apoſtle, *Gal.* v. 12. when he ſays, *I would that they were even cut off that trouble you.* The Learned Dr. *Hicks* in this Matter joins entirely with *Grotius*, ſeeing no other way to account for the many Prayers made by the ancient Chriſtians for *Julians* Deſtruction. Some indeed faſted and prayed for his Repentance and Converſion, as ſuppoſing he might be recovered from his Error. Thus he tells us [z] out of *Sozomen*, how *Didymus* of *Alexandria* prayed for him. But others abſolutely prayed for his Deſtruction, as thinking him utterly

[x] Gror. in Luc. 6. 22. Hujus ſane rarior eſt Uſus, non tamen nullus. Nam in Julianum, cum Defectioni adderet machinationes evertendi Chriſtianiſmi, uſa eſt Eccleſia iſto extremæ neceſſitatis telo, & a Deo eſt exaudita. [y] Ibid. Ea voce oratur Deus, ut quamprimum talem Maleficum & Seductorem tollat ex hominum numero. Hujus Anathematis exemplum eſt. Gal. 5. 12. [z] Hicks *Anſwer to* Julian. Chap. 6. p. 140. ex Sozom. Lib. 6. cap. 2.

ly uncapable of Repentance, and that he had ſinned the Sin unto Death, for which it was in vain to pray. Then he goes on to ſhew the Nature of his Apoſtacy, his Devotedneſs to the Devil, and his Spite to CHRIST and the Chriſtians: From whence he concludes [a] it was reaſonable for the Chriſtians to look upon him as irrecoverable out of the Snare of the Devil, and upon that Suppoſition to pray for his Deſtruction. He adds ſeveral other Arguments to ſhew the Reaſonableneſs of their Preſumption, that *Julian* had a diabolical Malice [b] againſt CHRIST, and that he was one of thoſe irrecoverable Apoſtates, who had troden under Foot the Son of GOD, and counted the Blood of the Covenant, wherewith he was ſanctified, an unholy Thing, and who had done Deſpite to the Spirit of Grace. He had hardned his Heart againſt Divine Miracles, like *Pharaoh*, and therefore it is no wonder, if ſome of them [c] called for the Plagues of *Egypt* upon him. He reproached the Living GOD, like *Senacherib*, and that made ſome of them, like *Hezekiah*, to beſeech GOD [d] to bow down his Ear and hear; and to open his Eyes, and ſee, how *Julian* reproached the Son of GOD; and thereupon to ſay, "O Lord our GOD, we beſeech Thee to "ſave us out of his Hand, that all the Kingdoms "of the Earth may know, that Thou art the "Lord GOD, and that JESUS, whom *Julian* "doth ſo reproach, is thy Son and CHRIST". *Gregory* [e] ſays, he deſigned worſe Things againſt the Chriſtians, than *Diocletian*, *Maximian*, or *Maximinus* ever did; that he was *Jeroboam*, *Pharaoh*, *Ahab*

[a] Ibid. p. 143. [b] Ibid. p. 151. [c] Naz. Invectiv. 2. p. 110. [d] Naz. Invect. 2 p. 123. [e] Naz. Invect. 1. p. 93. 110 & 111.

Ahab, and *Nebuchadnezzar* all in one; *Jeroboam* in Apoſtacy, *Pharaoh* in Hardneſs of Heart, *Ahab* in Cruelty, and *Nebuchadnezzar* in Sacrilege; and therefore it is not to be wondred, that the Chriſtians, who had ſuch good Reaſon to deſpair of the Converſion of ſuch a complicate Tyrant, prayed for his Deſtruction, becauſe there was no other apparent way of delivering the Church. And if it ſhould pleaſe GOD for our Sins to plague the Church with ſuch a ſpiteful Enemy of CHRIST, and ſuffer a Popiſh *Julian* indeed to Reign over us: I here declare, ſays he, That I ſhould believe him uncapable of Repentance, and upon that Suppoſition ſhould be tempted to pray for his Deſtruction as the only Means of delivering the Church. Thus far that Learned Man in his Account of the Practice of the Primitive Chriſtians, and their Reaſons, in Praying for the Deſtruction of *Julian* the Apoſtate.

TO this may be added, what St. *Jerom* ſays [*f*] upon the Death of *Julian*, That the Church of CHRIST with Exultation ſung her Thanks to GOD in the Words of the Prophet, according to the *Septuagint*, *Thou haſt even to our Aſtoniſhment divided the Heads of the Powerful.* Which is alſo noted by *Theodoret*, who ſays, the People of *Antioch* as ſoon as they heard of *Julian*'s Death, kept Publick Feaſts and Holidays for Joy, and not only in their Churches, but in their Theatres proclaimed the Victory of the Croſs, expoſing the Heathen Prophecies to ridicule [*g*], particularly thoſe of one *Maxi-*

[*f*] Hieron. in Habac. 3. 14. Eccleſia Chriſti cum exultatione cantavit, Diviſiſti in ſtupore capita Potentium.

[*g*] Theod. Lib. 3. cap. 27.

Maximus a Magician whom he had conſulted: O fooliſh *Maximus*, where are now thy Prophecies? GOD and his CHRIST have overcome. So again he tells us [*i*] of one *Julianus Saba*, who had it revealed to him in his Prayers, that *Julian* was ſlain: Upon which he immediately changed his Tears into Joy, and put on a chearful Countenance, expreſſing the inward Satisfaction of his Mind. Which the By-ſtanders obſerving, deſired to know the Reaſon of his ſudden Change, and he told them, That the Wild Boar, who laid waſte the Vineyard of the Lord, had now ſuffered Puniſhment for all the Injuries he done againſt the Lord; that he now lay dead, and they needed no longer to be afraid of his Deſigns againſt them. Upon which they all leaped for Joy, and ſung Praiſes to GOD for the Victory. Now 'tis probable, that they who thought it their Duty thus to give GOD Thanks for his Fall, were no leſs ſolicitous beforehand to pray for his Deſtruction. Their Thankſgivings were a Declaration what Sort of Prayers they had made, and they could not but rejoice when they were heard and anſwered. It is ſome Confirmation of all this, that *Socrates* ſays, they were uſed ſometimes to caſt Men out of the Church with Execration, as he notes of one *Hermogenes* a *Novatian* Biſhop [*k*] who for ſome blaſphemous Books, which he had written, was ſolemnly excommunicated, μετὰ κατάρας, with Curſing, which in all Probability denoted ſomething more than the common *Anathema* that accompanied every Excommunication.

IT is alſo noted by *Socrates*, *Lib.* 1. *cap.* 37. that *Alexander* Biſhop of *Conſtantinople* prayed thus againſt

[*i*] Ibid. cap. 24. [*k*] Socrat. Lib. 7. cap. 12.

gainſt *Arius*: "If the Doctrine of *Arius* be true, "let me die before the Day appointed for our "Diſputation: But if the Faith which I hold be "true, and the Doctrine of *Arius* falſe, let *Arius* "by the Time determined ſuffer the Puniſhment "which his Impiety deſerves". Which was accordingly fulfilled: For *Arius* the next Day voided his Entrails with his Excrements, and ſo periſhed by moſt ignominious Death. The ſame is related by *Athanaſius* in his Epiſtle to *Serapion*, *Tom.* 1. *p.* 671. who ſays he prayed to GOD in theſe Words, Ἆρον Ἄρειον, Take *Arius* out of the World. All which ſhews, that in ſome ſpecial Caſes they made no Scruple to devote very malicious and incorrigible Apoſtates to Extermination and Deſtruction.

YET on the other Hand St. *Chryſoſtom* was utterly againſt this Practice. For he has a whole *Homily* upon this Point, That Men ought not to anathematize either the Living or the Dead; they may anathematize their Opinions or Actions, but not their Perſons. Where, as *Grotius* [*l*] rightly obſerves, He takes *Anathema* in the ſtricteſt Senſe, for praying to GOD for the Deſtruction of the Sinner. Againſt this he argues from theſe ſeveral Topicks. 1. Becauſe CHRIST died for all Men, for his Enemies, for Tyrants, for Magicians, for thoſe that hated and crucified him [*m*]. 2. Becauſe the Church in Imitation of CHRIST daily prays for all Men. 3. Becauſe the Chriſtian Religion rather obliges us to lay down our own Lives for our Neighbours, than take away theirs. 4. It is uſurping upon the Prerogative of CHRIST. For what is ſuch an *Anathema*, but ſaying, let him be given to the Devil,

[*l*] Grot. in Luc. 6. 22. [*m*] Chryſ. Hom. 76. de Anathemate. T. 1. p. 909.

Devil, let him have no Place of Salvation, let him be ſeparated from CHRIST? Who gave thee this Authority and Power? Why doſt thou aſſume the Dignity of the Son of GOD, who ſhall ſit in *Judgment, and ſet the Sheep on his Right hand, and the Goats on his Left?* 5. The Apoſtles had no ſuch Practice in Excommunication. They caſt Hereticks out of the Church in ſuch Manner, as one would pluck out a right Eye, or cut off a Limb, with Indications of Compaſſion and Sorrow. They carefully rebuked and expelled their Hereſies, but did not thus anathematize their Perſons. 6. It is an abſurd Practice, whether it be uſed toward the Living, or the Dead. If toward the Living, thou art Cruel in ſo cutting off one, who is ſtill in a Capacity of turning and changing his Life from evil to good: If toward the Dead, thou art more Cruel; becauſe now to his own Maſter he ſtands or falls, and is not under any human Power. From all this he concludes, That we ought only to anathematize the impious and heretical Opinions of Men, but to ſpare their Perſons, and pray for their Salvation. There are ſome who make a Queſtion, Whether this be one of St. *Chryſoſtom*'s Genuine Diſcourſes; but without any good Reaſon; becauſe the Matter and Stile, as *Du Pin* obſerves, argue it to be his, and there are other Arguments to prove it Genuine. *Sixtus Senenſis* [n] and *Habertus* [o] think, he ſpeaks only againſt private Mens uſing the *Anathema* againſt Hereticks: But it is plain, he argues againſt the Publick as well as Private Uſe of it, in the Senſe wherein he takes it, That Doctrines, and not Men, are to be anathematized: We are to pray for

[n] Sixt. Senenſ. Bibliothec. Lib. 6. Annotat. 267.
[o] Habert. Archierat. p. 748.

for the Perſons of Hereticks, when we condemn their Opinions; and deſire their Converſion and Salvation, not their Deſtruction. The only Thing that can truly be inferred from hence is, that St. *Chryſoſtom* had different Sentiments about this Matter from ſome others. They thought there were ſome Caſes, in which it was lawful to pray for the Deſtruction of very malicious and incorrigible Sinners, ſuch as *Julian*, when they were paſt all Hopes, and there was no other viſible Way to ſave the Church from their helliſh Deſigns, but by their Deſtruction: He thought there was no ſuch Caſe; but that every Man was capable of Pardon ſo long as he lived in this World, even though he had committed what others called the unpardonable Sin againſt the Holy Ghoſt, and the Sin unto Death, of which he had a different Notion from what ſome others had; and therefore that we were to pray for every Mans Converſion, and not his Deſtruction. This, as far as I can judge, was the different Senſe which the Ancients had upon this moſt difficult Matter: And if they varied upon the Point in ſo nice a Caſe, it is not much to be wondred at, ſince the Moderns are not agreed upon it, but ſome Churches, as I ſhewed before out of *Du Moulin*, forbid all ſuch Sort of Excommunications, as unfit to be uſed without a particular Revelation. I have ſtated the Matter fairly on both Sides, and leave the Determination to the Liberty and Diſcretion of every Judicious Reader.

CHAP. III.

Of the Objects of Eccleſiaſtical Cenſures, or the Perſons on whom they might be inflicted: With a General Account of the Crimes for which they were inflicted.

Sect 1. *All Members of the Church, falling into great and ſcandalous Crimes, made liable to Eccleſiaſtical Cenſures without Exception.*

HAVING thus far explained the Nature of Eccleſiaſtical Cenſures, and the ſeveral Kinds of them, we are next to conſider the Objects or Perſons on whom they might be inflicted, and the Crimes for which they were inflicted on them. As to the Perſons or Objects of Eccleſiaſtical Cenſure, they were all ſuch Delinquents, as fell into great and ſcandalous Crimes after Baptiſm, whether Men or Women, Prieſts or People, Rich or Poor, Princes or Subjects: For the Eccleſiaſtical Diſcipline made no Diſtinction, ſave when the Multitude of Sinners combining together, made it impoſſible to put Church Cenſures in Execution, or made it hazardous, for fear of doing more harm than good by the ſtrict Execution of them. Infidels and Unbelievers were not conſidered in this Matter, as being no Members of the Church: According to that Rule of the Apoſtle, 1 Cor. v. 12. *What have I to do to judge them alſo that are without? Do not ye judge them that are within? But them that are without, God judgeth. Therefore put away from among yourſelves that wicked Perſon.* Catechumens were in a middle State between Heathens and Chriſtians, only Candidates of Baptiſm, and not yet admitted to full Communion by the Laver of Regeneration and Adoption of Children: And therefore neither were they the proper Objects

Objects of Church-Diſcipline, ſave only as they were capable of being thruſt down into a Lower Claſs of their own Order, if they committed any Crime deſerving ſuch a Degradation, of which I have given ſome Account already [*] in ſpeaking of the Inſtitution of the Catechumens. Here we take Diſcipline, as reſpecting only thoſe that were called the τέλειοι, Perfect Communicants, or Perſons in full Communion with the Church.

Sect 2. *Women as well as Men.*

IN cenſuring theſe the Church made no Diſtinction of Sex or Quality. For Women were ſubjected to Diſcipline, as well as Men. *Valeſius* [a] ſays they were very rarely put to do Publick Penance; and *Bona* [b] ſays, Never at all for the Three firſt Ages, but they wept and faſted and did other Works of Repentance in private. And ſome take that Canon [c] of St. *Baſil* in this Sence, where he ſays, if a Woman was convicted of Adultery, or confeſſed it herſelf, by the ancient Rules ſhe was not to be made a Publick Example, δημοσιεύειν οὐκ ἐκέλευσαν οἱ πατέρες. But *Cyprian* and *Tertullian* and the ancient Canons make no ſuch Diſtinction: Neither is it probable, That when Multitudes both of Men and Women fell openly into Idolatry in Times of Perſecution, that the one did publick and the other private Penance only. For *Cyprian* never ſpeaks of any but the Publick *Exomologeſis* or Confeſſion, and Publick Impoſition of Hands [d] to reconcile Penitents again after lapſing: And yet there it had been proper to have made the Diſtinction between Men and

[*] Book X Chap. ii. n. 17. [a] Valeſ. in Socrat. Lib. 5. cap. 19. [b] Bona Rer. Liturg. Lib. 1. cap. 17. n. 5. [c] Baſil. can. 34. [d] Cypr. de Lapſis. p. 128. Ep. 16. al. 10. p. 37.

and Women, if he had known of any ſuch Diſtinction in the Practice of the Church. But whether their Penance was Publick or Private, the Caſe is ſtill the ſame as to the Exerciſe of Diſcipline upon them. For they were certainly excluded from Communion, and that ſometimes for many Years, and in ſome Caſes even to the Hour of Death, as appears from many Canons of the Council [*e*] of *Eliberis*, *Ancyra* [*f*] and others. And this is a ſufficient Indication of their being liable to Eccleſiaſtical Cenſure, as well as Men. Nay there are ſome undeniable Inſtances of Women doing Publick Peance, as *Bona* owns, in the Time of St. *Jerom*: For he ſpeaking of *Fabiola*, a rich *Roman* Lady, who had divorced herſelf from her firſt Husband for Adultery, and married a Second, ſays, That after the Death of the Second Husband, when ſhe came to conſider the Unlawfulneſs of the Fact, ſhe put on Sackcloth, and made Publick Confeſſion [*g*] of her Error in the *Lateran* Church, in the Sight of all the People of *Rome*; ſtanding in the Order of Penitents in *Lent*, and in a penitent Garb, with her Hair diſſolved, and her Cheeks wan with Tears, ſubmitting her Neck to Impoſition of Hands; the Biſhop and Presbyters and all the People weeping with her. This ſeems to have been a Voluntary Act of Penance (as there were many ſuch in thoſe Days, when Men choſe to expiate even private Crimes by publick Penance) but if it had not been Cuſtomary

[*e*] Conc. Elib. can. 5, 8, 10, 12, 13, 14, 63, 65. [*f*] Conc. Ancyran. can. 21. [*g*] Hieron. Ep. 30. Epitaph. Fabiolæ. Quis crederet, ut poſt mortem ſecundi viri in ſemet ipſam reverſa — Saccum indueret, ut errorem publice fateretur, & tota Urbe ſpectante Romana ante diem Paſchæ in Baſilica Laterani ſtaret in ordine Pœnitentium, Epiſcopo, Presbyteris & omni populo collachrymantibus, ſparſo crine, ora lurida, ſqualidas manus, ſordida colla ſubmitteret?

Cuſtomary at all for Women to do publick Penance. St. *Jerom* would have noted the Singularity of it in that Reſpect, rather than any other. But he ſeems to place the Singularity of it in this, That ſhe condeſcended of her own accord to do publick Penance in a Caſe, where no Laws of the Church could have obliged her to it. For whilſt her Huſband lived, no Conſtraint could be laid upon her: It being a Rule, not to admit married Perſons [*h*] to publick Penance without Conſent of both Parties: And when her Husband was dead, her Crime perhaps was one of that Nature which did not directly bring her under the Power of Eccleſiaſtical Cenſure, but by her own Conſent. For, as we ſhall ſee more by and by, there were many Crimes of that Nature, which though allowed to be Sins of no mean Size, yet could not bring Men againſt their Wills to a Courſe of publick Penance by any Laws of the Church.

Sect. 3. *The Rich as well as the Poor. No Commutation of Penance allowed, nor Friendſhip nor Favour.*

But where the Crimes were flagrant, and ſuch as the Church could take Cognizance of, there ſhe uſually proceeded without Reſpect of Perſons. No Regard was had to the Rich more than the Poor, but all Criminals were conſidered alike, in the Buſineſs of Repentance, as equally obliged to comply with the ſtated Rules of Diſcipline, in order to gain Admiſſion into the Church after an Expulſion. There was but one Door of Re-entry, which is ſo often called *Juſta* and *Legitima Pœnitentia*, the juſt and legal Penance, by *Cyprian* [*i*] and other Writers:

[*h*] Conc. Arelat. 2. can. 22. Pœnitentiam Conjugatis non niſi ex conſenſu dandam. [*i*] Cypr. Ep. 10. al. 16. ad Cler. p. 37. Ep. 54. al. 57. ad Cornel. p. 116. Ep. 62. al. 4. p. 9. De Lapſis. p. 129. Conc. Eliber. can. 14 & can. 3.

And no Commutation was thought an Equivalent, where this was wanting. Which is evident from this, That they would not accept any Gifts or Oblations from excommunicate Perſons, or Hereticks, or Schiſmaticks, or any that were not in full Communion with the Church [*], leſt this ſhould look like communicating with them before their time, and receiving their Money in lieu of Repentance. *Cyprian* indeed once intimates, that there were ſome [*k*] who for filthy Lucre, were inclin'd to accept Perſons; and who, to make a Market of unlawful Gain, would gratify the Rich and thoſe who could give large Gifts, to get them an eaſier Way of Admittance than by the ſevere and tedious Way of a juſt and full Penance: But he very ſharply inveighs againſt theſe, and all their ſiniſter Arts of diſſolving Diſcipline, and ruining Mens Souls, under Pretence of granting them a fallacious and deceitful Peace, which was their real Deſtruction.

Sect. 4.

What Privilege ſome claimed upon the Interceſſion of the Martyrs in Priſon for them. And how this was anſwered by Cyprian.

ONE of theſe inſidious Arts, which they managed with ſome Colour and Dexterity, was to get the Martyrs and Confeſſors in Priſon to intercede with Biſhops for ſuch, and write Letters in their Favour. For we muſt know, that anciently the Martyrs were allowed this Privilege, when any Penitent had well nigh performed his legal Penance, and was near upon being received again, to write Letters to the Biſhop, That ſuch an one might be admitted to Communion, though his full Term of Penance was not quite expired. And

[*] *See before*, Chap. ii. n. 13. and Book XV. Chap. ii.

[*k*] Cypr. Ep. 11. al. 15. ad Martyr. p. 35. Qui Perſonas accipientes, in beneficiis veſtris aut gratificantur, aut illicitæ negotiationis nundinas aucupantur.

And ſo far their Petition was commonly accepted. But theſe crafty Men, for a little under-hand Gain, had got a Trick to deſire the Martyrs to intercede for ſuch as had done little or no Penance: Nay, they abuſed their Privilege ſo far, as peremptorily to require the Admiſſion of ſuch, without any previous Examination of their Merits: And ſometimes they required the Biſhop, not only to admit ſuch a Penitent, but all that belonged to him; which was a very uncertain and blind ſort of Petition, and created great Envy to the Biſhop, when perhaps Twenty [*l*], or Thirty, or a greater Number of Nameleſs Perſons were included in one Libel, and the Biſhop was forced to do a very ungrateful Office, and deny them altogether. *Cyprian* complains much of theſe Abuſes both in his Letter to the Martyrs, and in others written upon the ſame Subject to his Clergy [*m*] and People. But chiefly he complains of thoſe Libels, which were ſent to him by *Lucian* the Martyr, one of which runs in this [*n*] Form: "All "the Confeſſors to *Cyprian* the Biſhop, Greeting: "Know that we have granted Peace to all thoſe, of "whom you have had an Account how they have "behaved themſelves ſince the Commiſſion of their

[*l*] Cypr. Ep. 11. al. 15. ad Martyr. p. 35. Audio quibuſdam ſic Libellos fieri, ut dicatur: Communicet ille cum ſuis. Quod nunquam omnino a Martyribus factum eſt, ut incerta & cœca Petitio invidiam nobis poſtmodum cumulet: Late enim patet quando dicitur: Ille cum ſuis; & poſſunt nobis viceni, & triceni, & amplius offerri, qui propinqui & affines, & Liberti ac Domeſtici eſſe aſſeverentur ejus, qui accipit Libellum.

[*m*] Cypr. Ep. 10. al. 16. ad Cler. Ep. 12. al. 17. ad Plebem. Ep. 18. al. 26. ad Cler. [*n*] Lucian. Ep. ad Cypr. 17. al. 23. Scias nos univerſis, de quibus apud te ratio conſtiterit, quid poſt commiſſum egerint, dediſſe Pacem: Et hanc formam per te & aliis Epiſcopis innoteſcere voluimus. Optamus te cum ſanctis Martyribus pacem habere. Vid. Lucian. Ep. 20. al. 22. ad Celerin. p. 47.

" Crimes: And we would that theſe Preſents ſhould " be notified by you to the reſt of the Biſhops. We " wiſh you to maintain Peace with the holy Mar- " tyrs." This *Lucian* had written many ſuch Letters before in the Name of *Paulus* the Confeſſor, whilſt he was in Priſon, and others after his Death, ſaying, He had his Command ſo to do. All which *Cyprian* complains of in a Letter to the Clergy of *Rome* [o] as a Thing diſſolving all the Bands of Faith, and the Fear of GOD, and the Commandments of the LORD, and the Holineſs and Vigour of the Goſpel; and as creating great Envy to the Biſhops, whilſt they were forced to deny to Lapſers, what they boaſted to have obtained of the Martyrs and Confeſſors. This occaſion'd, he ſays, great Seditions and Tumults: For in many Cities throughout the Province of *Carthage* the People roſe up in Multitudes againſt their Biſhops, and by their Clamours compelled 'em to grant them inſtantly that Peace, which, they all ſaid, the Martyrs and Confeſſors had given them: They who had not Courage enough and Strength of Faith to reſiſt them, were by this Means terrified and ſubdued into a Complyance with them. And he had much ado himſelf to withſtand them at *Carthage*: For ſome turbulent Men, who were hardly governable before, and thought it much to be kept back from Communion till he returned out of Exile, when they had gotten theſe Letters of the Martyrs, were all in a Flame upon the Strength of them, and began to rage immoderately, and in an extorting manner demand the Peace, which they ſaid, the Martyrs had granted them.

By this Repreſentation of *Cyprian*, and his Remonſtrance upon it, it is eaſy to diſcern what Miſchief the

[o] Cypr. Ep. 23. al. 27. ad Cler. Rom. p. 52.

the abuſing this Privilege of the Martyrs did to the true Exerciſe of Diſcipline; whilſt ſome out of Lucre, others out of Terror, comply'd with the Lapſers unreaſonable Demands, and let the Rich and the Great eſcape Puniſhment, and intrude themſelves into the Communion of the Church again without any ſufficient Evidences of Repentance: But they, who like *Cyprian*, had Integrity and Firmneſs enough to oppoſe theſe impious Practices, kept up the Diſcipline of the Church in its true Vigor, and would hearken to no Pretences or Conditions of this Kind, which only tended to impoſe upon them with falſe Shews of a deceitful Peace, and profane the Myſtery of the Holy Sacrament, by giving it to the Impenitent and the Ungodly.

Sect. 5. *Magiſtrates and Princes ſubject to Eccleſiaſtical Cenſures, as well as any others.*

NEITHER was it only Men in a private Condition they thus treated, but alſo thoſe of the higheſt Rank and Dignity. For the Civil Magiſtrates and Princes were ſubject to Eccleſiaſtical Cenſures, as well as any others. In the Times of Perſecution, the very taking of ſome Civil Offices made Chriſtians liable to Excommunication. Particularly if they took upon them the Office of the *Duumviri*, or the Provincial Office of the *Flamines* or *Sacerdotes Provinciarum*: becauſe, as *Gothofred* [p] ſhews out of many Laws of the *Theodoſian Code*, theſe Offices obliged them to exhibit the uſual Games, or Shews to the People: Which in Time of Heatheniſm could not be done without involving them in ſome Meaſure in the Guilt of Idolatry, to which thoſe Games were conſecrated. For which Reaſon any Chriſtian undertaking ſuch an Office, was reputed an Encourager

[p] Gothofred. Paratitlon. ad Cod. Theod. Lib. 15. Tit. 5. de ſpectaculis.

rager and Partaker of Idolatry, though he did not actually ſacrifice to Idols in his Office. Upon which account the Council of *Eliberis* [q], which was held in time of Perſecution, *An.* 305, or thereabouts, orders, That if any Chriſtian took upon him the Office of a Flamen, though he did not ſacrifice, but only exhibit the idolatrous Shews to the People, he ſhould be kept under ſtrict Penance all his Life, and only be admitted to Communion at his Death; and that in Conſideration that he had abſtain'd from offering the abominable Sacrifices: For if he had offered Sacrifice, then by the preceding [r] Canon he was deny'd Communion to the very laſt. Nay, though they had neither ſacrificed, nor exhibited the Shews out of their Expence to the People, but only worn the Crown in their Office, by two other Canons [s] of the ſame Council, they were to be deny'd the Communion for a Year or two. So that the being in a publick Office, was ſo far from exempting a Magiſtrate from the Cenſures of the Church, that in many Caſes it was the very Reaſon why they were executed with greater Severity upon him, whilſt no Man could go through ſuch an Office without the Guilt and Stain of Idolatry in ſome Meaſure ſticking to him. And when theſe Offices were freed from Idolatry; yet if a Magiſtrate ſtill committed other

[q] Conc. Eliber. can. 3. Flamines, qui non immolaverint, ſed Munus tantum dederint, eo quod ſe a funeſtis abſtinuerunt Sacrificiis, placuit in fine eis præſtari Communionem, acta tamen legitima Pœnitentia. [r] Ibid. can. 2 Flamines, qui poſt fidem Lavacri Sacrificaverunt, placuit nec in fine eos accipere Communionem. [s] Conc. Eliber. can. 55. Sacerdotes, qui tantum Coronam portant, nec ſacrificant, nec de ſuis ſumptibus aliquid ad Idola præſtant, placuit poſt biennium accipere Communionem. It. can. 56. Magiſtratum verò, qui agit Duumviratum, uno anno prohibendum placuit, ut ſe ab Eccleſia cohibeat.

other Crimes worthy of Eccleſiaſtical Puniſhment, the Cenſures of the Church, notwithſtanding his Office, would lay hold of him, and the Name or Character of a Magiſtrate would give him no Protection. This appears plainly from the Proceedings of *Syneſius* [t] againſt *Andronicus* the governing Magiſtrate of *Ptolemais*, whom he formerly excommunicated with all his Accomplices: And from what has been obſerved [*] before, of the Judge that was cenſured in the Time of *Julian*, mentioned by St. *Ambroſe* [u]; and *Athanaſius* excommunicating the Governor of *Libya* for his Immoralities, mentioned by St. *Baſil* [x], which need not here be repeated. To theſe I add that general Rule of the firſt Council of *Arles*, made with Relation to all Governors of Provinces, That when they went to the Government of any Province [y], they ſhould take Communicatory Letters from their own Biſhop along with them, and be ſubject to the Care of the Biſhop of the Places where-ever they went; ſo as if they committed any Thing contrary to the Publick Diſcipline, they were to be excluded from the Communion of the Church. This was no Rule to deprive Magiſtrates of their Office, though they were Hereticks or Schiſmaticks, as *Baronius* [z] would have it underſtood: For as *Albaſpiny* in his Notes upon the Place more truly obſerves againſt him,

[t] Syneſ. Ep. 58. [*] *See* Chap. ii. n. 11.

[u] Ambroſ. Ep. 29. ad Theodoſ. [x] Baſil. Ep. 47.

[y] Conc. Arelat. 1. can. 7. De Præſidibus placuit, ut cum promoti fuerint, Literas accipiant Eccleſiaſticas Communicatorias: Ita tamen ut in quibuſcunque locis geſſerint, ab Epiſcopo ejuſdem loci cura de illis agatur; ut cum cæperint contra Diſciplinam publicam agere, tunc demum à communione excludantur. Similiter & de his fiat qui Rempublicam agere volunt. [z] Baron. an. 314. n. 57.

him, there is not a word about this in the Canon: Neither is it likely that a Provincial Council ſhould make a Decree about that which is no way in their Power, but in the Power of the Prince only. They might order, and that with good Reaſon, he ſays, That no Heretick or Schiſmatick, although he was the Governour [*a*] of a Province, ſhould be admitted to communicate with the Church: But that therefore he ſhould be removed from his Government, becauſe he was an Heretick, was at the Will and Diſcretion of the Prince, and not of the Church: It belongs to the Prince, and not the Church, to take away the Power of Subordinate Magiſtrates from them. The plain Drift therefore of this Canon is not to deprive Inferior Magiſtrates of any Civil Power or Juriſdiction, which the Supreme Magiſtrate committed to them; which the Church had no Authority to do: But only to deny them her own Communion, if unworthy of it; which was a Thing then uncontеſted, and indiſputably within the Limits of her Power.

NEITHER need we wonder at this, ſince the Church laid Claim to an higher Power, even of excluding Princes, or the Supreme Magiſtrates, from her Communion, when guilty of notorious Violations of the Laws of Chriſtian Society; of which there are certain Evidences both in the Doctrine and Practice of the ancient Biſhops of the Church. The Story which is related by *Euſebius* concerning the Emperor *Philip*, though diſputed by many as to the Truth of the Fact, yet is a ſufficient Evidence of the Opinion of *Euſebius* who relates it. Now he tells us [*b*], There was a Tradition

[*a*] Albaſpin. in can. 7. Conc. Arelat. [*b*] Euſeb. Hiſt. Lib. 6. cap. 34.

dition that he was a Chriſtian, and that on the Vigil of the Paſſover he deſired to communicate in Prayers with the reſt of the People: But that the Biſhop, who then preſided, would not ſuffer him to enter, before he had confeſſed his Crimes, and joined himſelf to thoſe who had ſinned, and ſtood in the Place or Order of the Penitents. For otherwiſe he could not be received by him, for the many Crimes which he had committed. Upon which the Emperor willingly obeyed, demonſtrating his ſincere and religious Diſpoſition towards the Fear of GOD by the Tenour of his Actions. Some queſtion the Truth of the Story [*c*], and think, that it is a Miſtake of *Philip* the Emperor, for one *Philip* the *Præfectus Auguſtalis* of *Egypt*, who was a Chriſtian: Others defend it as a true Relation [*d*], only they think it was a Tranſaction in Private, which is the Reaſon we have no Account of it in Heathen Story. But whether the Fact was true or falſe, the Reflection made upon it by *Euſebius* is of great Moment in the preſent Queſtion. For he ſuppoſing him to have been a Chriſtian, ſays, Without ſuch a Compliance the Biſhop would never have admitted him. Which Remark is ſufficient to ſhew the Nature of the Churches Diſcipline in general, whatever becomes of the Truth of this particular Story.

FILESACUS [*e*] and *Valeſius* [*f*] confound this Story with the Relation which St. *Chryſoſtom* gives of *Babylas*, denying Entrance into the Church to one of the *Roman* Emperors, upon the Account of a barbarous Murder committed by him upon a Son of

[*c*] Cave. Prim. Chriſt. Part I. cap. 3. p. 48. [*d*] Pagi. Critic. in Baron. an 247. n. 6. ex Huet. Origenian. Lib. 1. cap. 3. n. 12. [*e*] Fileſac. Not. in Vincent. Lirin. cap. 23. n. 125. [*f*] Valeſ. Not. in Euſeb. Lib. 6. cap. 34.

of ſome Confederate Prince, who was entruſted as an Hoſtage with him. *Chryſoſtom* names neither the Emperor, nor the Confederate Prince, and the Stories differ in the whole Relation, but eſpecially in this material Circumſtance, That *Philip* is ſaid to comply with the Biſhops Admonition, and ſtand in the Order of Penitents; but he whom *Chryſoſtom* ſpeaks of, was ſo far from ſubmitting to the Admonition of *Babylas*, that he remained incorrigible, and grew inraged, and caſt him into Priſon, and loaded him with Chains, which the Martyr ordered to be buried with him, when the Tyrant put him to Death. So that this could not be *Philip*, but *Decius*, the perſecuting Heathen, under whom *Babylas* ſuffered. However *Chryſoſtom* makes ſome curious Remarks upon the Behaviour of *Babylas*, both in Reference to his Courage and Prudence, which abundantly ſhews the Spirit of Diſcipline then prevailing in the Church. For firſt he remarks, That *Babylas* acted with the Freedom and Boldneſs of *Elias* and St. *John Baptiſt* [g], driving out of the Church not a Tetrarch of a few Cities, nor a King of one Nation; but him who governed the greateſt Part of the World; a Murderer, who had many Nations, many Cities, and a prodigious Army at his Command; one that was in all Reſpects terrible, as well upon the Account of his immenſe Dominions, as the Fierceneſs and Cruelty of his Temper: Him he expelled as a vile and worthleſs Slave, with as much Intrepidity, Conſtancy, and Bravery of Mind, as a Shepherd would drive away from his Flock a ſcabbed and infected Sheep, to prevent the Contagion of the Diſtemper from ſpreading to the reſt of the Flock. Here he breaks

[g] Chryſ. de Babyla. ſive cont. Gentiles. T. 1. p. 740.

breaks out into a Rapture, admiring his undaunted Mind, his lofty Soul, his Heavenly Terror of Spirit, and Angelical Conſtancy, ſuperior to all this viſible World, and only fix'd upon GOD the Supreme King; acting as if he ſtood before the great Judge, and heard him ſay, Caſt out the wicked and infected Sheep from the holy Flock. 2. Hence he obſerves, how fearleſs and undaunted *Babylas* muſt be with Reſpect to other Men, who gave ſuch a Specimen of his Power over the Emperor. He could never act or ſpeak out of Favour or Hatred, but with a Mind equally fortified againſt Fear and Flattery, and all other Things of the like Nature, which are apt to beſet Men, he ſtood firm, and did not in the leaſt corrupt right Judgment. 3. He remarks farther, how he tempered his Courage with Chriſtian Prudence, obſerving a decent Mean in his Behaviour. A Man of his undaunted Spirit might have gone much farther. He might have railed at the Emperor, and reviled him; he might have pulled the Crown from his Head, and have beaten him on the Face: But his Soul was ſeaſoned with ſpiritual Salt, which taught him to obſerve a *Decorum* in all his Management, and do nothing raſhly or fooliſhly, but by the Rules of right Reaſon, which was a Thing the Philoſophers in their Reproofs of Kings ſeldom obſerved. Hence he remarks 4thly, Of how great Advantage this Example was to all Men, both Believers and Unbelievers. The Unbelievers were aſtoniſhed at the Action, and admired it: For they ſeeing the Intrepidity of the Servants of CHRIST, could not but deride the abject Servility of thoſe who ruled in the Heathen Temples, when they obſerved them always more diſpoſed to worſhip their Kings, than their Gods or Idols. Whereas *Babylas* puniſhed the injurious King,

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as far as it was lawful for a Prieſt [*g*] to do; he pulled down the high Spirit of the Prince; he vindicated the Divine Laws, when they were violated; he puniſhed the King for his Murder with a Puniſhment, that to all Men of a ſound Mind is the moſt terrible of any other. He did not, like *Diogenes*, bid him ſtand out of his Sun-ſhine; but when he thruſt himſelf impudently within the ſacred Boundaries of the Church, and confounded all good Order, he drove him from his Maſter's Houſe, as he would have done a Dog, or an offending Slave. And ſo the holy Man took down the Confidence of Unbelievers, who were then the greateſt Part of the *Roman* Empire. And for thoſe who had already embraced the Faith of CHRIST, he by this Act made them more circumſpect and religious; not only private Men, but Soldiers, Captains, and Generals; ſhewing them, that among Chriſtians the Prince and Chief of all, are but Names, and that he that wears the Crown, when he is to be puniſhed and rebuked, is no more conſider'd than one of the loweſt Order [*h*]. Hence he concludes, laſtly, That this rare Example of Vertue, was Matter of Inſtruction both to Prieſts and Princes, to teach Princes to ſubmit to the Rules of Diſcipline, and Prieſts to take Courage in the Exerciſe of it: Foraſmuch as that the Care of the World, and what is done in it, is as properly committed to them, as to him that wears the Purple; and that they ought rather to part with their Lives, than part with or diminiſh that Power and Authority, which GOD from Above has committed to them. Any one may perceive by this Diſcourſe of St. *Chryſoſtom*, what Opinion he had of the Power and Extent of Eccleſiaſtical Diſcipline, even over Sovereign Princes: Not to

[*g*] Ibid. p. 747. [*h*] Ibid. p. 749.

to pull off their Crowns, and dethrone them; not to raviſh away their Temporal Power, under the Pretence of the ſpiritual Power being ſuperior; nor yet to ſpeak evil of Dignities, or treat them unmannerly, and revile them; but only to debar them from the Communion of the Church, when by notorious Wickedneſs they rendred themſelves altogether unworthy, and really uncapable of it. Which is agreeable to that general Direction he gives in another Place to the Clergy, Not to admit any one of notorious Improbity, Cruelty, or Impurity to the LORD's-Table: Although it be a Commander, ſays he [*i*], or a Governor, or even he that wears the Diadem, that comes unworthily, prohibit him: Thou haſt greater Power than he. He adds a little after, If thou art afraid to do this, bring him unto me. I will not ſuffer any ſuch Thing to be done: I will ſooner give my own Life, than the Body of the LORD unworthily: I will ſhed my own Blood, before I will give that moſt Holy Blood to an unworthy Man.

But there is none more famous than St. *Ambroſe* for his remarkable Freedom in this Matter with the greateſt of Princes, whether in admoniſhing them, or in denying them the Communion upon the Commiſſion of ſome great Offences. *Paulinus*, the Writer of his Life ſays, he ſeparated *Maximus* from the Communion [*k*], admoniſhing him to repent for ſhedding the Blood of *Gratian* his Lord, if ever he hoped to find Mercy at the Hands of GOD. So when *Valentinian* was ſollicited by *Symmachus*, the Heathen Governor of *Rome*, to reſtore the *Gentile* Rites, and

[*i*] Chryſ. Hom. 82. five 83. in Mat. p. 705. Κἂν σφαγὸς τὶς ᾖ, κἂν ὕπαρχος, κἂν αὐτὸς ὁ τὸ διάδημα φορῶν, ἀναξίως ὃ πάσχει, κώλυσον· μείζονα ἐκείνου τὴν ἐξουσίαν ἔχεις.

[*k*] Paulin. Vit. Ambroſ. Ipſum Maximum a Communionis conſortio ſegregavit, admonens ut effuſi ſanguinis Domini ſui — ageret Pœnitentiam, ſi ſibi apud Deum velet eſſe conſultum.

ſuffer the Altar of *Victory* to be repaired in the Capitol; St. *Ambroſe* wrote to him, and told him, among many other Arguments, That if he thus gratified the Heathen in reſtoring Idolatry, the Biſhops [*l*] could not bear or diſſemble it with a patient Mind. He might, if he pleaſed, come to Church, but he would either find no Prieſt there, or elſe only one to reſiſt him, and deny him Communion. And what will you anſwer, ſays he, to the Prieſt, when he tells you, The Church deſires not your Oblations, or Gifts, becauſe you have adorned the Temples of the *Gentiles* with your Gifts? The Altar of CHRIST refuſes your Gifts, becauſe you have erected an Altar to the Idol Gods.

BUT the moſt remarkable Inſtance of his Freedom was ſhewed in his Treatment of *Theodoſius the Great*, after he had inhumanely put to Death Seven thouſand Men at *Theſſalonica*, without diſtinguiſhing the Innocent from the Guilty. When he had committed this Fact, not being very ſenſible of his Crime, he came to *Milan*, and according to Cuſtom was going to Church; but St. *Ambroſe* met him at the Gate, and accoſted him in this Manner, as *Theodoret* [*m*] relates the Story: You ſeem not to underſtand, Sir, the Greatneſs of the Murder you have committed. Your Anger not being yet allayed, hinders your Reaſon from conſidering what you have done. And perhaps the Greatneſs of your Empire will not ſuffer you to acknowledge your

[*l*] Ambroſ. Ep. 30. ad Valentin. Junior. Certe Epiſcopi hoc æquo animo pati & diſſimulare non poſſunt. Licebit tibi ad Eccleſiam convenire: Sed illic non invenies Sacerdotem, aut invenies reſiſtentem. Quid reſpondebis Sacerdoti dicenti tibi; Munera tua non quærit Eccleſia, quia Templa Gentilium muneribus adornaſti. Ara Chriſti dona tua reſpuit, quoniam Aram ſimulacris feciſti. [*m*] Theod. Lib. 5. cap. 18. Vid. Aug. Hom. 49. ex 50. Tom. 10. p. 202.

your Offence, and Power oppoſes itſelf to Reaſon. But you muſt know, that our Nature is mortal and frail: Our Original is Duſt, whence we were taken, and into which we muſt return again. It is not fit you ſhould deceive yourſelf with the Splendor of your Purple, and forget the Weakneſs of the Body that is covered with it. Your Subjects, Sir, are of the ſame Nature with yourſelf, and you are a Servant as well as they: For we have one common LORD and KING, the Maker of this Univerſe. Therefore with what Eyes will you look upon the Houſe of our common LORD? With what Feet will you tread his holy Pavement? Will you ſtretch forth thoſe Hands ſtill dropping with the Blood of that unjuſt Murder, and therewith take the Holy Body of the LORD? And then put the Cup of that precious Blood to your Mouth, who have ſhed ſo much Blood by the haſty Decree of an angry Mind? Depart, I beſeech you, and do not aggravate and augment your former Iniquity by the addition of a new Crime. Refuſe not thoſe Bonds which the LORD of All confirms from Heaven above. It is but a ſmall Thing that is laid upon you, but it will recover you to perfect Health and Salvation. The Emperor, who had been educated in the Holy Doctrine, and knew what were the different Offices of Prieſts and Kings, was ſo moved with theſe Words, that he returned to his Palace with Groans and Tears. Eight Months paſs'd between this and the Feſtival of our SAVIOUR's Nativity, and all that Time the Emperor ſate lamenting in his own Palace, and ſhedding Rivers of Tears. Which *Ruffin*, the Maſter of the Palace, who for his Familiarity with the Emperor, could take a great Freedom with him, obſerving, he came to him, and deſired to know the Reaſon of his Tears. To whom the Emperor reply'd, You make a Jeſt of the Thing, *Ruffin*: For you are not touched with the

Senſe of my Misfortunes: But I mourn and lament in Conſideration of my Calamity, that whilſt the Temple of GOD is open to the very Slaves and Beggars, and they can go in freely, and ſupplicate their LORD, it is inacceſſible to me; and beſides all this, Heaven is ſhut againſt me: For I remember the Words of our LORD, which plainly ſay, *Whomſoever ye ſhall bind on Earth, he ſhall be bound in Heaven.* Then *Ruffin* ſaid, I will go therefore to the Biſhop, if you pleaſe, and intreat him to looſe your Bonds. The Emperor reply'd, He will not be perſuaded. For I know the Juſtice of the Sentence which St. *Ambroſe* has given, and he will not out of any Reverence to the Imperial Power, tranſgreſs the Divine Law. But *Ruffin* inſiſted, and with many Words promiſing to appeaſe *Ambroſe* towards him; He bid him go quickly, and he himſelf followed a little after, relying upon the Promiſes of *Ruffin*. But St. *Ambroſe* no ſooner ſaw *Ruffin*, but he ſaid to him, *Ruffin*, Thou art a very ſhameleſs Man. For thou waſt the evil Counſellor of ſo great a Slaughter, and now thou hardeneſt thy Forehead, and haſt caſt away Shame, neither Bluſhing nor Trembling for ſo great a Ravagement made of the Image of GOD. *Ruffin* ſtill went on with his Supplication, and told him the Emperor himſelf was a coming. At which *Ambroſe* kindled with a divine Fervour, ſaid, I tell thee before-hand, *Ruffin*, I will not admit him within the divine Gates: But and if he will turn his Empire into Tyranny, and ſlay me alſo, I ſhall with great Pleaſure take my Death. *Ruffin* hearing this, ſent one immediately to the Emperor, to certify him of the Biſhop's Reſolution, and to deſire him to ſtay in the Palace: But the Emperor being on his Way in the Middle of the *Forum*, when he received the Meſſage, ſaid, I will go and bear his juſt Reproofs. When he came to the holy Boundaries

daries, he would not enter into the Church, but going to the Biſhop, as he ſate in the Saluting-Houſe, he begged of him to abſolve him from his Bonds. But *Ambroſe* told him, This his Coming was Tyrannical; and that he now began to rage againſt GOD, and trample upon the Divine Laws. The Emperor ſaid, By no means: I do not offer myſelf againſt the Preſcript of the Laws, I do not deſire to enter the Church in an unlawful manner; but I entreat you to abſolve me from my Bonds, and to remember the Clemency of our Common LORD, and not ſhut the Gate againſt me, which the LORD hath opened to all thoſe that turn to him with Repentance. What Repentance, then ſaid the Biſhop, have you ſhewed ſince the Commiſſion of ſo great a Wickedneſs? With what Medicine have you cured your grievous Wounds? The Emperor reply'd, It belongs to your Office to prepare the Medicine, and cure thoſe Wounds, and my Part is to uſe what you preſcribe. Then ſaid *Ambroſe*, Foraſmuch as you have ſuffered Anger and Fury, and not Reaſon, to ſit in Judgment and give Sentence in Matters before: Now make a Law, which may render all Judgment given in Anger, Null and Void: When any Sentence of Death or Confiſcation is pronounc'd, let there be Thirty Days time between that and the Execution, to wait for the Judgment of Reaſon. When this Term is expired, let the Scribes again preſent the Sentence you have given, before you, and then Reaſon without Anger will be able to examine the Sentence by her own Judgment, and diſcern whether it be juſt or unjuſt. If it be unjuſt, cancel and reverſe it: If juſt, corroborate and confirm it; and this Number of Days will be no Prejudice to any righteous Sentence. The Emperor approved of the Propoſal, and immediately ordered ſuch a Law to be written, and confirmed

it with his own Hand. Then St. *Ambroſe* abſolved him from his Bonds, and the Emperor took Courage to enter into the Church: But he would neither ſtand nor kneel, while he made Supplication to the LORD, but fell upon his Face to the Earth, uſing thoſe Words of *David*, *My Soul cleaveth to the Ground, quicken Thou me according to Thy Word*; and tearing his Hair, and beating his Forehead, and watering the Pavement with Drops of Tears, with theſe Indications of Sorrow he prayed for Pardon. And ſo when the Time of the Oblation came, he was admitted again to make his Offering at the Holy Table.

I HAVE related this Matter at full Length in *Theodoret*'s Words, becauſe, as he there obſerves, it is ſuch an illuſtrious Inſtance of the Vertue both of the Biſhop and the Emperor, ſhewing the Freedom and flaming Fervour of the one, and a great Condeſcenſion, Obedience, and purity of Faith in the other. *Theodoret* adds, That when the Emperor was returned to *Conſtantinople*, he was pleaſed to ſay, He had now learned the Difference between an Emperor and a Biſhop; he had now at laſt found a Guide to ſhew him what was Truth: For *Ambroſe* alone was worthy the Name of a Biſhop. So uſeful an Impreſſion, ſays our Author, does a Reproof or Admonition make, when given by a Man of ſhining Vertue.

AFTER this it is needleſs to relate any later Inſtances of this Kind of Diſcipline exerciſed upon Princes: But it may be proper to remind the Reader here again of that neceſſary Diſtinction between the greater and leſſer Excommunication, the former of which ſeparates a Criminal from all manner of Society with the Faithful, the other only from Communion and Society in holy Things in the Church; and to obſerve with many Learned

Men,

Men, That theſe Excommunications of Princes now mentioned, never went farther than to a prudent Admonition, and Suſpenſion of them from the Sacrament and the holy Offices of the Church. St. *Ambroſe*, ſays Biſhop *Buckeridge* [*n*], in anſwer to *Bellarmin*, did plainly prohibit *Theodoſius* from entring the Church, and Partaking of the Sacraments; but he neither delivered him to Satan, nor reduced him into the Number of Publicans or Pagans, nor ſeparated him from all Society and Communion with the Faithfull. If *Bellarmin* ſpake properly of the greater Excommunication, the Proof of a doubtful Matter lies upon him; if only of the leſſer Excommunication, or Suſpenſion, which forbids Men Entrance into the Church, and Communion in the Sacraments, we do not deny but that *Theodoſius* was ſo excommunicated by St. *Ambroſe*. For St. *Ambroſe* [*o*] told him, He durſt not offer the Sacrifice, if he was preſent. He thought he ſaw him in a Viſion come to the Church, and then he durſt not celebrate becauſe of his Preſence. He could not accept his Oblation, till he had Power to offer, and till his Offering would be acceptable to GOD. He ſuſpended him therefore from the Sacrament, but did not lay upon him the *Anathema*, or greater Excommunication. Biſhop *Taylor* [*p*] takes Excommunication in this Senſe,

[*n*] Joan Roffens. de poteſt. Papæ Temporali. Lib. 2. cap. 39. p. 627. In his aperte prohibet Ambroſius Theodoſium ab Ingreſſu Eccleſiæ & Communione Sacramentorum, ſed nec Satanæ tradit nec in numerum Publicanorum & Ethnicorum redigit, nec cœtu & communione Fidelium ſeparat. &c. *See* Dr. Barrow *of the Pope's Supremacy*. p. 12. [*o*] Ambroſ. Ep. 28. ad Theodoſ. Offerre non audeo Sacrificium, ſi volueris aſſiſtere.— Veniſſe viſus es ad Eccleſiam, ſed mihi Sacrificium offerre non licuit.— Tunc offeres, cum Sacrificandi acceperis facultatem, quando hoſtia tua accepta ſit Deo. [*p*] Taylor. Duct. dubitant. Lib. 3. cap. 4. p. 604.

when he ſays, " If we conſult the Doctrine and " Practices of the Fathers in the Primitive and " Ancient Churches, we ſhall find that they never " durſt think of excommunicating Kings. The " firſt Supreme Prince that ever was excommuni- " cated by a Biſhop, was *Henry* the Emperor by " Pope *Hildebrand.* He adds, That there is one " Portion of Excommunication, which is a deny- " ing to adminiſter the holy Communion to Princes " of a ſcandalous and evil Life; and concerning " this there is no Queſtion but the Biſhop not " only may, but in ſome Caſes muſt do it. CHRIST " ſays, *Give not that which is Holy unto Dogs, and* " *caſt not Pearls before Swine.* Whatſoever is in the " Eccleſiaſtical Hand by Divine Right, is as appli- " cable to him that ſits upon the Throne, as to " him that ſits upon the Dunghil ". But then he ſays one Thing, which, as I conceive, contradicts " this: *viz.* " That this refuſing muſt be only " by Admonition and Caution, by Fears and De- " nunciations Evangelical, by telling him his Un- " fitneſs to communicate, and his Danger if he " do: But if after this Separation by [q] Way " of Sentence and proper Miniſtry, the Prince " will be communicated, the Biſhop has nothing " elſe to do, but to pray and weep and willingly " to miniſter ". This not only contradicts what he juſt ſays before, That a Biſhop is obliged in Duty to deny to adminiſter the Communion to Princes of a ſcandalous and evil Life, but is directly contrary to the Doctrine and Practice of St. *Chryſoſtom* and St. *Ambroſe*, who profeſs they would rather die than give the Communion to a Prince that was utterly uncapable and unworthy of it.

YET

[q] Taylor. Ibid. p. 605. *See alſo his Worthy Communicant* Chap. 5. Sect. 6. p. 487.

Sect. 6. *In what Cases the greater Excommunication was forborn for the Good of the Church.*

YET as to what concerns the greater Excommunication, it is certain that in some Cases it was forborn, not only with Relation to Princes, but the People also. For Prudence directed them to do every Thing for the good of the Church, and to use this severe Weapon only to Edification, and not to Destruction. And therefore when it was apparent, or but highly probable, that the intemperate and indiscreet Use of it might do no more harm than good to the Church, there both Reason and Charity directed them to wave the Use of it, for fear of rooting up the Wheat with the Tares before the proper Time of Judgment. As to Princes, Dr. *Barrow* in a few Words, which contain a great deal of ancient History, has farther observed [r], "That "though there were many Sovereign Princes in "the Primitive Church, who were Hereticks and "Enemies to true Religion, yet no Ancient Pope "seems to have been of Opinion that they might "excommunicate them. For if they might, why "did not Pope *Julius* or Pope *Liberius* excommu-"nicate *Constantius* the great Favourer of the *Arians*? "How did *Julian* himself escape the Censure of "*Liberius*? Why did not *Damasus* thunder against "*Valens*, that fierce Persecutor of the Catholicks? "Why did not *Damasus* censure the Empress *Ju-"stina* the Patroness of *Arianism*? Why did not "*Siricius* censure *Theodosius* for that bloody Fact, "for which St. *Ambrose* denied him the Commu-"nion? How was it that Pope *Leo* (that stout and "high Pope) had not the Heart to correct *Theodo-"sius Junior* in his Way, who was the Supporter of

[r] Barrow *of the Pope's Supremacy*. p. 12.

" of his Adverſary *Dioſcorus*, and the obſtinate
" Protector of the ſecond *Epheſine* Council, which
" that Pope ſo much deteſted? Why did not that
" Pope rather compel that Emperor by Cenſures,
" than ſupplicate him by Tears? How did ſo many
" Popes connive at *Theodorick* and other Princes
" profeſſing *Arianiſm* at their Door? Why did not
" *Simplicius* or *Felix* thus puniſh the Emperor *Zeno*,
" the Supplanter of the Council of *Chalcedon*, for
" which they had ſo much Zeal? Why did neither
" *Felix*, nor *Gelaſius*, nor *Symmachus*, nor *Hormiſdas*
" excommunicate the Emperor *Anaſtaſius* (yea did
" not ſo much, Pope *Gelaſius* ſays, as touch his
" Name,) for countenancing the Oriental Biſhops
" in their Schiſm and refractory Non-compliance
" with the Papal Authority? Thoſe Popes did in-
" deed claſh with their Emperor, but they expreſ-
" ſly deny, that they did condemn him with others
" whom he did favour. We, ſays Pope *Symmachus*,
" did not excommunicate you, O Emperor [*s*],
" but *Acacius*. If you mingle yourſelf, you are
" not excommunicated by us, but by yourſelf. And
" ſays *Gelaſius* [*t*], If the Emperor is pleaſed to join
" himſelf with thoſe that are condemned, that
" cannot be imputed to us. Wherefore *Baronius*
" doth ill [*u*], in affirming Pope *Symmachus* to have
" anathematized *Anaſtaſius*; whereas that Pope
" plainly denied it even in thoſe Words which are
" cited to prove it, being rightly read: For they
" are corruptly [*x*] written in *Baronius* and *Binius*;

Ego

[*s*] Symmach. Ep. 7. Nos te non excommunicavimus, ſed Acacium.— Si te miſces, non a nobis, ſed a teipſo excommunicatus es. [*t*] Gelaſ. Ep. 4. Si iſti placet ſe miſcere damnatis, nobis non poteſt imputari. [*u*] Baron an. 503. n. 17.

[*x*] Symmach. Ep. 7. Dicis quod, mecum conſpirante ſenatu, excommunicaverim te. Iſta quidem ego, ſed rationabiliter factum

Ego (which hath no Senſe, or one contradictory to his former Aſſertion) being put for *Nego*, which is good Senſe, and agreeable to what he and the other Popes do affirm in relation to that Matter", That they did not pretend o anathematize the Emperor with other Hereticks hom they ſo condemned.

INDEED there were three Reaſons why the Antents forbare to anathematize Sovereign Princes. One was that which has juſt now been mentioned, ecauſe they thought they had no Power to excommunicate them in ſuch manner, but only to eny them the Participation of the *Euchariſt*. Another Reaſon was, That heretical Princes did in ffect excommunicate themſelves by deſerting the hurch, and joining with Hereticks, and therefore the Church had no Reaſon to pronounce *Anaema* againſt them. A Third Reaſon was, That he doing ſo might have done more harm than ood to the Church, by irritating and exaſperaing the Minds of heretical Princes to perſecute he Church with greater Malice, and thereby may weak Members of the Church might have been candalized and offended. Therefore Biſhop *Buckeidge* [*y*] ſays, In ſuch Caſes, where Princes are ierce and cruel, and impatient of Reproof and ndignity, it were perhaps better to abſtain from he Severity of the leſſer Excommunication as well s the greater, rather than for a Biſhop to provoke n armed Fury to turn itſelf both upon him and the

ſtum a Deceſſoribus meis ſine dubio ſubſequor. *So* Baronius *nd* Binius *read it*, Iſta quidem Ego; *but the true Reading is*, Iſta quidem nego, *I deny that I excommunicated you. And yet* Labbé *retains that corrupt Reading without any Remark upon it.* Conc. Tom. 4. p. 1298. [*y*] Joan. Roſſens de Poteſtate Papæ in Temporalibus. Lib. 2. cap. 39 p. 931.

the Church: It were better to keep the Sword in the Sheath, than to unſheath it to the Detriment and Deſtruction of the Church and Religion. Therefore admitting that of right Kings and Emperors might be excommunicated, yet the Expediency of the Thing is a very different Queſtion, and remains yet not perfectly reſolved, whether it be for the Advantage of the Church to uſe ſuch Severity againſt her Patrons, her Defenders, and her Advocates, that is, Emperors and Kings.

AND this Conſideration of Expediency made St. *Auſtin* and others determine, not only in the Caſe of Kings, but the People alſo, That when the whole Multitude were involved in the ſame Crime, either by actual Commiſſion, or abetting, or applauding the Practice of it, that then the Severity of Excommunication, eſpecially in the higheſt Degree, could not be uſed toward them with any ſort of Prudence, for fear it ſhould have either no Effect, or a very bad one. When a ſingle Criminal is ſeparated by Diſcipline from the Society of the Church, the being avoided by the reſt is a proper Way to bring him to Shame: But when the whole Society, or a conſiderable Part of it is involved in a common Crime, there is no Poſſibility of putting ſuch a Multitude of Criminals out of Countenance, becauſe they will encourage and bear up one another: And therefore in that Caſe to exerciſe Severity of Diſcipline upon them, is only to make it deſpiſed by them, and throw the Church into Schiſms and Convulſions, by the Oppoſition of the turbulent and factious, and to ſcandalize the weak and injudicious, who will be led away by the powerful Side, and periſh by rooting out the Tares before the Time. St. *Auſtin* argues this Matter frequently with the *Donatiſts*, who were for having a Church without ſpot and wrinkle upon Earth, and for rooting out the

the Tares where-ever they found them, whatever Conſequences might attend it. Though he obſerves they did not keep to their own Rule: For they tolerated one *Optatus Gildonianus*, a moſt infamous Man, noted for his Villanies over all *Africk*, and did not excommunicate him, for Fear he ſhould have carried off a Multitude with him, and have broken their Communion by new Schiſms and Subdiviſions among themſelves. St. *Auſtin* [z] does not blame them for this, but only objects it to them as an Argument *ad hominem*, to ſhew them, that they ought not to blame the Church for doing that in Neceſſity, which they themſelves were forced to do upon the like Occaſion. As to the Practice of the Church, he freely owns, ſhe was forced many Times to tolerate the Tares among the Wheat, when they were grown numerous, and it was dangerous to eradicate them by the rough Means of ſevere Diſcipline, for fear of overturning the Church, and deſtroying its Unity and Peace by dangerous Schiſms, and ſcandalizing more weak Souls that way than they could hope to gain by the other. It was ſo in *Cyprian*'s Time, he ſays, and it was ſo in his own. He often repeats and urges upon this Occaſion that famous Paſſage of *Cyprian* in his *Book de Lapſis*, where ſpeaking of the Reaſons of GOD's viſiting the Church with that terrible Perſecution, he plainly intimates, that ſuch Numbers both of the Clergy and Laity had corrupted their Morals,

[z] Aug. Ep. 164. ad Emeritum Donatiſtam. Non ergo reprehendimus, ſi eo tempore, ne multos ſecum excommunicatus traheret, & communionem veſtram Schiſmatis furore præcideret, eum excommunicare noluiſtis. Vid. Aug. Ep. 170. ad Severinum. Ep. 171. ad Donatiſtas. Cont. Epiſt. Parmenian. Lib. 2. cap. 2. Optatum Gildonianum decennalem totius Africæ gemitum, tanquam Sacerdotem atque Collegam honorantes in Communione tenuerunt, &c.

Morals, that good Men could do nothing but mourn, and keep themſelves as well as they could from partaking in their Sins: But that could not then be done by the Exerciſe of Diſcipline, by Reaſon of the Numbers of all Orders that were to be ſubjects of it; many of thoſe who were to exerciſe it, being themſelves the moſt obnoxious; and it was not to be expected, that they ſhould be very forward to put it in Execution. So that the Diſeaſe being grown too obſtinate and ſtrong to be cured this Way, there remained no other Remedy but the Severity of a divine Judgment, to rectify by an extraordinary Scourge, what human Power could not do in the ordinary Way at ſuch a Juncture. The Lord, ſays *Cyprian* [a], was therefore minded himſelf to prove his Family, and becauſe a long Peace had corrupted the Diſcipline that was given us from Heaven, the divine Judgment ſtept in to raiſe up that Faith which was fallen and almoſt laid aſleep. All Mens Minds were ſet upon augmenting their Eſtates; and forgetting what the firſt Chriſtians did in the Times of the Apoſtles, and what they ought always to do, they by an inſatiable Ardor of Covetouſneſs only ſtudied to increaſe their Fortunes. There was no true Religion or Devotion in the Prieſts, no ſincere Faith in the Miniſters, no Mercy in their Works, no Diſcipline in their Morals. Effeminacy and Fraud were reigning Vices both in Men and Women. They made no Scruple to marry with Infidels, and proſtitute the Members of CHRIST to the Heathen. They were equally given both to profane

[a] Cypr. de Lapſis. p. 123. Dominus probari Familiam ſuam voluit, & quia traditum nobis divinitus Diſciplinam Pax longa corruperat, jacentem Fidem, & pene dixerim dormientem Cenſura cœleſtis erexit, &c.

profane Swearing and Perjury, to contemn their Governors with ſwelling Pride, to curſe themſelves with venemous Tongues, and with inveterate Hatred and Animoſities to quarrel with one another. Many Biſhops, who ought to have been both Monitors and Examples to the reſt, forſook their divine Calling, to take upon them the Management of ſecular Affairs; and leaving their Sees, and deſerting their People, they rambled about other Provinces, ſeeking for ſuch Buſineſs as would bring them in Gain and Advantage. In the mean Time they ſuffered the Poor of the Church to ſtarve, whilſt they themſelves minded nothing but heaping up Riches, and getting of Eſtates by Fraud and Violence, by Uſury and Extortion. What did we not deſerve to ſuffer for ſuch Sins as theſe? Our Crimes required, that for the Correction of our Manners, and the Tryal of our Faith, GOD ſhould bring us to ſeverer Remedies.

CYPRIAN here plainly intimates, that in ſuch a corrupt State of Affairs the Diſcipline of the Church could not be maintained, or be rightly put in Execution. He was forc'd to endure theſe Collegues of his, who were Covetous, Rapacious, Extortioners, Uſurers, Deſerters, Fraudulent and Cruel. It was impoſſible to exerciſe Church Cenſures with any good Effect, when there were ſuch Multitudes both of Prieſts and People ready to oppoſe them, and diſtract the Church into a Thouſand Schiſms, rather than ſuffer themſelves to be curbed or reformed that Way: And therefore when no other practicable Method was left, the divine Cenſure was neceſſary, as the laſt and only Remedy.

AND this is what St. *Auſtin* ſo often tells the *Donatiſts*, that the Church followed the Example of *Cyprian* in this Matter. When we are not permitted

mitted to excommunicate Offenders [*b*] for the Sake of the Peace and Tranquillity of the Church, we do not therefore neglect the Church, but only tolerate what we would not, to obtain what we would have, uſing the Caution of our LORD's Command, leſt whilſt we gather out the Tares before the Time, we ſhould with them root up the Wheat alſo: Following alſo the Example and Precept of St. *Cyprian*, who endured with a View and Regard to Peace, many of his Collegues, who were Uſurers, Defrauders, Rapacious, and yet he was not infected with their Contagion. So he ſays again, The Evil are ſometimes to be endured for the Sake of the Good; as the Prophets tolerated thoſe againſt whom they ſpake ſo many hard Things, and did not forſake the Communion of the Sacraments uſed by that People becauſe of them; as our LORD himſelf tolerated wicked *Judas* to the laſt, and permitted him to communicate in the ſame holy Supper with his innocent Diſciples; as the Apoſtles tolerated thoſe who preached CHRIST out of Envy, which is the Devil's Sin; and as *Cyprian* tolerated the Covetouſneſs of his Fellow-Biſhops, which he himſelf according to the Apoſtle ſtiles Idolatry. St. *Auſtin* frequently urges this Example of *Cyprian* [*c*] in other

[*b*] Aug. Lib. ad Donatiſtas poſt Collationem. cap. 20. Ubi hoc facere gratia Pacis & Tranquillitatis Eccleſiæ non permittimur, non tamen ideo Eccleſiam negligimus, ſed toleramus quæ nolumus, ut perveniamus quo volumus, utentes cautela præcepti Dominici, ne cum voluerimus ante tempus colligere Zizania, ſimul eradicemus & Triticum: Utentes etiam & Exemplo & Præcepto Beati Cypriani, qui Collegas ſuos Fœneratores, Fraudatores, Raptores, pacis contemplatione pertulit tales, nec eorum contagione factus eſt talis.

[*c*] Aug. Ep. 48. ad Vincent. p. 66. Non propter malos boni deſerendi, ſed propter bonos mali tolerandi ſunt, &c. Sicut

other Places. And he argues farther for the Neceſſity of the Practice from the Reaſon and Nature of the Thing itſelf, and from the Precepts of the Goſpel. In his Book againſt *Parmenian* he ſhews at large when Excommunication or Anathematizing is to be uſed, and when not. It may be uſed, When there is no Danger of rooting up the Wheat together with the Tares [*d*]: That is, when a Man's Crime is ſo notorious to all, and appears ſo execrable to all, that he has no Defenders, or not ſo many or ſo powerful as to make a Schiſm, then the Severity of Diſcipline ought not to ſleep; for then it will be effectual to correct his Wickedneſs, when all charitably and unanimouſly join to confirm the Sentence. And then it is that there is no Danger hereby of prejudicing Peace and Unity, or of doing harm to the Wheat, when the whole Multitude or Congregation of the Church is free from the Crime that is anathematized. For then they will be ready to aſſiſt the Biſhop in his Correction, and not the Criminal in his Reſiſtance. Then they will abſtain from his Society for his good, and no one will ſo much as eat with him, not out of Enmity, but for brotherly Coercion. Then he alſo will be ſmitten with Fear, and cured by Shame, when he ſees himſelf anathematized by the whole Church, and can find no Company to encourage him to rejoice in his Crime, or help him to inſult the vertuous. And therefore, he ſays, the Apoſtle requires, That ſuch an ones Puniſhment or Cenſure ſhould be inflicted of many. For a Cenſure is of no Advantage, except when ſuch

Sicut toleravit Cyprianus Collegarum avaritiam, quam ſecundum Apoſtolum appellat Idololatriam. *See to the ſame Purpoſe* Aug. de Baptiſmo. Lib. 4. cap. 9. Cont. Epiſt. Parmen. Lib. 3. cap. 2. [*d*] Aug. cont Epiſt. Parmen. Lib. 3. cap. 2. p. 26.

an one is corrected, as has not a Multitude [e] on his Side to uphold him. But when the ſame Diſeaſe has ſeized a Multitude, good Men in that Caſe can do nothing farther but grieve and mourn. And therefore the ſame Apoſtle, when he found a Multitude among the *Corinthians*, who were defiled with Uncleanneſs and Laſciviouſneſs and Fornication, writing to them in his ſecond Epiſtle, he does not command them, *with ſuch not to eat*, as he had done before: For they were many, and he could not now ſay, *If any Brother be a notorious Fornicator, or an Idolater, or Covetous, or the like, with ſuch an one no not to eat*: But he ſays, *Leſt when I come again, my God will humble me among you, and I ſhall bewail many who have ſinned, and have not repented of the Uncleanneſs and Laſciviouſneſs and Fornication, which they have committed*: Threatning them by his Bewailing, that they ſhould be puniſhed by the divine Scourge, rather than that Puniſhment which conſiſted in Mens withdrawing from their Society. His mourning would obtain of the Lord a Scourge to correct them, who could not now by Reaſon of their Multitude be corrected in ſuch manner, as that others ſhould abſtain from their Society, and make them aſhamed, as it may be done in the Caſe of a ſingle Brother, who is noted for a Crime, from which all the reſt are free. And indeed when the Contagion of Sin has invaded a whole Multitude, it is then neceſſary for GOD to viſit them out of Mercy with the Severity of his own Divine Cenſure: For in that Caſe Exhortations to avoid the Company of Sinners are not

[e] Neque enim poteſt eſſe ſalubris à multis correptio, niſi cum ille corripitur, qui non habet ſociam Multitudinem. Cum vero idem morbus plurimos occupaverit, nihil aliud bonis reſtat quam dolor & gemitus.

not only vain, but pernicious and ſacrilegious, becauſe impious and proud, tending more to diſturb good Men that are Weak, than to correct the Stubborneſs and Animoſity of the Evil. And therefore he obſerves that St. *Paul* treated the ſingle inceſtuous *Corinthian*, and the Multitude that denied the Reſurrection [*f*] in a different Way: He did not command the *Corinthians* to make a corporal Separation from them, for they were many, not like that one, who had married his Father's Wife, whom he judged worthy of a freer Cenſure and Excommunication. There was one Way to be taken with a ſingle Perſon, another to cure and heal a Multitude, leſt if the People were divided from one another by Parties, the Wheat alſo ſhould be rooted up by the miſchief of Schiſm. And therefore the Apoſtle does not injoin thoſe who believed the Reſurrection, to ſeparate corporally from thoſe who did not believe it in the ſame People, though he never ceaſes to ſeparate them ſpiritually, by frequent Admonitions to beware of joining in their impious Opinions. He ſays farther, When ſuch evil Men are tolerated in the Church, good Men, who are diſpleaſed with them, and know not how to mend them, neither dare [*g*] to root out the

[*f*] Aug. Lib. ad Donatiſtas poſt Collationem. cap. 21. Non eis præcepit Corporalem Separationem: Multi quippe erant, non ſicut ille unus, qui uxorem Patris ſui habuit, quem liberiore Correptione & Excommunicatione judicat dignum. Longe aliter iſte, aliter vitioſa curanda & ſananda eſt Multitudo, ne forte ſi Plebs à Plebe ſeparetur, per Schiſmatis nefas etiam Triticum eradicetur. Eos ergo qui jam credebant Reſurrectionem mortuorum, ab his qui eam in eodem populo non credebant. non Corporaliter Apoſtolus ſeparat, ſed tamen ſpiritaliter ſeparare non ceſſat. [*g*] Aug. Ep. 162. ad Epiſc. Donatiſtas. p. 280. Quibus diſplicent mali, & eos emendare non poſſunt, neque ante tempus meſſis auden-

Tares before the Time of the Harveſt, for fear they ſhould root up the Wheat alſo, do not communicate with their wicked Deeds, but with the Altar of CHRIST: So that they are not only not polluted by them, but deſerve divine Praiſe, becauſe rather than the Name of CHRIST ſhould be blaſphemed by horrible Schiſms, they tolerate for the Good of Unity, what they otherwiſe hate for the Love of Equity. This he ſhews to be a thing Praiſe-worthy from various Examples both of the *Old* and *New Teſtament*, and the Practice of our Saviour and his Apoſtles, which are too numerous and long to be here inſerted. He ſays more briefly in another Epiſtle [*h*], That the Wicked do not hurt the Good in the Church, though they be notoriouſly evil, if either there be no Power to caſt them out of Communion, or ſome Conſiderations of preſerving Peace hinder the doing of it. And again [*i*], Although there be ſome whom we cannot correct, and Neceſſity compels us for the Sake of others to allow them to communicate in the divine Sacraments, yet we do not communicate with them in their Sins, which is never done but by favouring and conſenting to them. For we only tolerate

audent Zizania eradicare, ne ſimul eradicent & Triticum, non factis eorum, ſed altari Chriſti communicant: Ita ut non ſolum non ab eis maculentur, ſed etiam Divinis verbis laudari prædicarique mereantur, quoniam ne nomen Chriſti per horribilia Schiſmata blaſphemetur, pro bono Unitatis tolerant, quod pro bono æquitatis oderunt.

[*h*] Aug. Ep. 164. ad Emeritum. Cognitos malos bonis non obeſſe in Eccleſia, ſi eos à Communione prohibendi aut poteſtas deſit, aut aliqua ratio conſervandæ pacis impediat. [*i*] Ep. 166. Quos corrigere non valemus, etiamſi neceſſitas cogit pro ſalute cæterorum ut Dei Sacramenta nobiſcum communicent, peccatis tamen eorum non communicamus, quod non fit niſi conſentiendo & favendo, &c.

lerate them in the Church as Tares among the Wheat, and as Chaff mingled with the Corn in this Floor of Unity, and as bad Fiſh among the Good incloſed in the Nets of the Word and Sacraments, till the Time of Harveſt or Winnowing or Drawing to Shore comes; leſt with them we ſhould root up the Wheat; or by ſeparating the Corn in the Floor before the Time, rather expoſe it to the Fowls of the Air to devour it, than purge it to be laid up in the Garner; or ſhould break the Nets by Schiſms, and by over-abundant Caution to caſt out the bad Fiſh, ſhould open a way of pernicious Liberty for the reſt to return into the Sea again. For this Reaſon our LORD made Uſe of theſe and the like Parables to confirm the Forbearance of his Servants, leſt if the Good ſhould think themſelves to blame for mingling with the Evil, they ſhould either deſtroy the Weak by human and haſty Diſſenſions, or themſelves become weak and periſh. He purſues the ſame Argument at large in his Epiſtle to *Macrobius* [*k*], and his Books againſt *Gaudentius* [*l*], and many other Places: But what I have already produced, abundantly ſhews his Senſe of this Matter, and not only his Senſe, but the concurrent Opinion and Practice of the whole *African* Church both in the Time of *Cyprian*, and the Collation of *Carthage*, to which he refers. So that upon the whole Matter their Opinion appears plainly to be this, That when a Multitude of Sinners in the Church made it dangerous to exerciſe Diſcipline upon them, it was more expedient to endure the Bad among the

[*k*] Aug. Ep. 255. [*l*] Cont. Gaudent. Lib. 3. cap. 3, 5, 9, &c. It. Ep. 69. ad Reſtitutum. & Brevic. Collationis. Die 3. cap. 8. Vid. Collat. Carth. Die. 3. n. 258. & 265. & Aug. de Fide & Oper. cap. 4 & 5.

Good, rather than by trying to purge them out by the Severity of Cenſures, to endanger breaking of the Nets, and involve the Church in terrible Schiſms, to the Scandal of the Weak, and no Benefit to the Church, whilſt together with the Tares they rooted up the Wheat alſo. And this Practice in difficult Times, is generally allowed to be expedient by Modern Writers, among whom the Learned Reader may conſult [*m*] *Richerius*, *Eſtius* and *Lyra*. *Grotius* [*n*] and Biſhop *Taylor* [*o*], and Dr. *Whitby* [*p*], and *Rivet* [*q*]: For I know of none but *Peter Martyr*, who maintains the contrary Opinion [*r*] againſt St. *Auſtin*. But I return to the Ancients and their Practice.

Sect. 7.

The Innocent never involved among the Guilty in Eccleſiaſtical Cenſures. The Original and Novelty of Popiſh Interdicts.

WHERE, among other prudent Cautions obſerved in this Matter, we may remark their Wiſdom and Piety in managing this ſpiritual Sword, ſo as it might affect Offenders only, and not involve the Innocent and Guiltleſs in the ſame Condemnation. That which has been ſo common and ſo tyrannical a Practice with the Popes of later Ages, to lay whole Churches and Nations under Interdict, and forbid them the Uſe of all Sacraments, for the Faults of a ſingle Criminal, was ſo much unknown to the Ancients, that St. *Auſtin* was amaz'd, when he heard of a young raſh *African* Biſhop, who in his warm Zeal, for the ſingle Offence of one *Claſſicianus*, and that not

[*m*] Richer. de poteſt. Eccleſ. in Reb. Temporal. Lib. 3. c. 4. n. 7. p. 294. Eſtius in 2 Cor. 10. 6. Lyra. Gloſs. in Mat. 13.

[*n*] Grot. in 2 Cor. 10. 6. Neque enim duris Remediis locus eſt, ubi tota Eccleſia in morbo cubat. [*o*] Taylor Duct. Lib. 3. cap. 4. p. 610. [*p*] Whitby Proteſt. Reconcil. par. II. p. 257. [*q*] Rivet. Synopſ. Pur. Theol. Diſp. 48. n. 38.

[*r*] Pet. Mart. Loc. Com. Lib. 5. cap. 5. n. 13. p. 784.

not evidently proved, had anathematized both him and his whole Family together. Complaint of the Thing being made to St. *Auſtin*, he thus writes to the Biſhop, to expoſtulate with him upon the Fact in theſe Terms: Being in great Concern [s] of Mind, and my Heart fluctuating as in a Tempeſt within me, I could not but write to your Charity, to deſire you to inform me, (if you have any certain Grounds of Reaſon, or Authority of Scripture for your Practice) How a Son can rightly be anathematized for his Father's Sin, or a Wife for her Husband's, or a Servant for his Maſter's; or why a Child, that is yet unborn, if he happens to be born in the Family while it lies under *Anathema*, may not have the Benefit of the Laver of Regeneration in the Article of Death? For this is not a corporal Puniſhment, with which we read ſome Deſpiſers of GOD were ſlain with their whole Families, though the Families were not Partakers in their Crimes. Then indeed mortal Bodies, which muſt otherwiſe ſhortly have died, were ſlain for to ſtrike a Terror into the Living. But ſpiritual Puniſhment, of which it is ſaid, *Whatſoever thou ſhalt bind on Earth, ſhall be bound in Heaven*, this alſo binds Souls, of whom it is written, *The Soul of the Father is mine, and the Soul of the Son is mine*: *The Soul that ſinneth, it ſhall die.* For my Part I can give no juſt Reaſon for ſuch *Anathema's*, and therefore I have never dared to uſe them, even when I have been moſt highly provoked by the clamorous Crime of ſome, committed inſolently

[s] Aug. Ep. 75. ad Auxilium. Non mediocriter æſtuans cogitationibus magna cordis tempeſtate fluctuantibus, apud Charitatem tuam tacere non potui: Ut ſi habes de hac re ſententiam, certis rationibus vel Scripturarum teſtimoniis exploratam, nos quoque docere digneris: Quomodo recte anathematizetur pro Patris peccato Filius, &c.

againſt the Church. If GOD has revealed it unto you, I deſpiſe not your Youth, but ſhall be ready to learn, how we can give a juſt Reaſon either to GOD or Man, for inflicting ſpiritual Puniſhments upon innocent Souls for the Sin of another, from whom they derived no Original Sin, as they do from *Adam*, in whom all have ſinned. But if you can give no good Reaſon for it, why do you that out of an unadviſed and precipitate Commotion of Mind, in Defence of which, if any Man asks you a Reaſon, you have nothing to anſwer? From this decent Reproof given to the head-ſtrong Paſſion of this young Biſhop, and his intemperate Zeal in Anathematizing a whole Family for the Crime of the Maſter only, we may conclude there was no ſuch allowed Practice in the Church in St. *Auſtin*'s Time, as excommunicating the Innocent with the Guilty, though the Innocent might have ſome near Relation to, or unavoidable Dependance on the offending Parties: Much leſs was it Cuſtomary then to lay whole Bodies, Churches or Nations under Interdict, and forbid them the Uſe of the Sacraments, merely to curb or reſtrain the Contumacy of others, of which they were wholly innocent, and no ways Partakers. Which was a monſtrous and novel Abuſe of Diſcipline, peculiar to the tyrannical Times of the *Papacy*, and utterly unknown to former Ages. [*t*] *Baronius* indeed brings a ſingle Inſtance of it out of the *Annals* of *France*, where it ſaid, That Pope *Agapetus An.* 535, threatned King *Clotarius* to put his Kingdom under Interdict, unleſs he made Satisfaction for a barbarous and Sacrilegious Murder committed by him in the Church upon one *Gualter de Yvetot*, who carry'd the Pope's Letters of Recommendation to him. But as this Story

[[*t*] Baron. an. 535. in Appendice. Tom. 7. p. 9.

Story is only told by Modern Writers, ſuch as *Du Haillan*, whom *Baronius* quotes, and *Gaguinus*, *Gillius* and *Tillius*, added by *Spondanus*, and has not the Authority of any ancient Writers; and has ſomething alſo in the Narration itſelf, which deſtroys its Credit with Judicious Men; *Spondanus* owns [*u*] there are many Learned Men who reject it as a Fable, prevailing only by the Credulity of the *French* Nation for many Ages. And therefore it is not worthy to be mentioned as a Piece of ancient Hiſtory in the Caſe before us.

SOME date the Original of Interdicts from the Time of *Alexander* III. about the Year 1160. And indeed about this Time they began to be very frequent. *Habertus* [*z*] ſays, *Morinus* carries them a little higher to the Time of Pope *Hildebrand* or *Gregory* VII, who is moſt likely to be the Father of them [*y*], for they are ſometimes mentioned in his Epiſtles. *Habertus* himſelf pretends to make them as ancient as St. *Baſil*. But the Place [*z*] out of *Baſil*'s Epiſtles, ſays no more, but that when a whole Church make themſelves Partakers of another Man's Sins, they may be cenſured all together. Which is very far from the indiſcriminating Cenſure of an Interdict, which condemns a whole Nation, and that commonly for no Crime, but rather their Duty, for adhering conſcientiouſly to their natural Allegiance due to their Lawful Sovereigns, when the Pope is pleaſed to excommunicate and depoſe them under Pretence of the Plenitude of Eccleſiaſtical Power, as any one that would write the Hiſtory of Interdicts, might eaſily demonſtrate. Whatever St. *Baſil* meant, it is certain he had not this in his Thoughts:

[*u*] Spondan. Epitom. Baron. an. 535. n. 18. [*x*] Habert. Archierat. p. 746. [*y*] Greg. 7. Lib. 1. Ep. 81. Lib. 2. Ep. 5. [*z*] Baſil. Ep. 244.

Thoughts: Neither was it the uſual Practice of the Church to anathematize whole Bodies of Men, though guilty, unleſs it was for Terror's ſake, as has been ſhewn in the foregoing Section.

Sect. 8. *The Danger of Excommunicating innocent Perſons.*

As to innocent Perſons, all Care imaginable was taken, that the Cenſures of the Church ſhould not be abuſed by any indiſcreet Application of them to the Condemnation of the Guiltleſs. In which Caſe an unjuſt Sentence was thought to recoil upon the Head of him that executed it. Thus *Firmilian* [*a*] told Pope *Stephen*, that in cutting off others who did not deſerve it, he cut off himſelf. Be not deceived; for he is the true Schiſmatick, who makes himſelf an Apoſtate from the Communion of the Eccleſiaſtical Unity. For while you think you can excommunicate all others, you only excommunicate yourſelf from them. In like manner *Polycrates* Biſhop of *Epheſus* anſwered Pope *Victor*, when he threatned to excommunicate him and all the *Aſiatick* Churches for not obſerving *Eaſter* in the ſame Manner as they did at *Rome*: He was not afraid of his Menaces, he told him [*b*], for he had learned of thoſe that were greater than he, to obey GOD rather than Man. And *Euſebius* adds, That when *Victor* perſiſted ſtill in this headſtrong Reſolution, *Irenæus* and ſeveral other Biſhops wrote very ſharply to him, πληκτικώτερον, reproving him for his unwarrantable Abuſe of the Church Cenſures. It is a noted Saying in the *Index* to

[*a*] Firmil. Ep. 75. ap. Cypr. p. 228. Excidiſti teipſum. Noli te fallere. Siquidem ille eſt vere Schiſmaticus, qui ſe a communione Eccleſiaſticæ Unitatis Apoſtatam fecerit. Dum enim putas omnes a te abſtineri poſſe, ſolum te ab omnibus abſtinuiſti. [*b*] Polycrat. Ep. ad Victor. ap. Euſeb. Lib. 5. c. 24. ἐγὼ πτύρομαι ἐπὶ τοῖς καταπλησσομένοις, &c. Vide Aug. de Vera Religione. cap. 6.

to the Works of Pope *Gregory* I, [*c*] upon this account, If any one excommunicate another unjuſtly, he does not condemn him, but himſelf. Though the *Romaniſts* commonly magnify another Saying of his, tranſcribed into the *Canon-Law* [*d*], That the Sentence of the Shepherd is to be dreaded, whether it be juſt or unjuſt. Which can certainly never be true, but in a very doubtful Caſe. It is much more to the Purpoſe, what *Gratian* in the ſame Queſtion alledges from St. *Auſtin* [*e*], That a Man had need be very careful whom he binds on Earth: For unjuſt Bonds will be looſed by the Juſtice of Heaven: And not only ſo, but turn to the Condemnation of him that impoſes them: For though raſh Judgment often hurts not him, who raſhly judged [*f*]; yet the Raſhneſs of him that judges raſhly, will turn to his own Diſadvantage. In the mean time it is no Detriment [*g*] to a Man, to have his Name ſtruck out of the *Diptychs* of the Church by humane Ignorance, if an evil Conſcience do not blot him out of the Book of Life. Thus far St. *Auſtin* in ſeveral Places alledged by *Gratian*, to which may be added what he cites out of the foreſaid

[*c*] Greg. Lib. 2. Ep. 26. Si quis illicite quenquam excommunicat, ſemetipſum, non illum condemnat. [*d*] Greg. Hom. 26 in Evang. ap. Grat. Decret. Cauſ. 11. Quæſt. 3. c. 1. Sententia Paſtoris, ſive juſta, ſive injuſta fuerit, timenda eſt.

[*e*] Aug. Ser. 16. de Verbis Domini ap. Grat. ibid. c. 48. Ut juſte alliges, vide. Nam injuſta vincula dirumpit Juſtitia.

[*f*] Aug. de Serm. Dom. in monte. Lib. 2. cap. 29. ap. Grat. ibid. cap. 49. Temerarium Judicium plerumque nihil nocet ei, de quo temere judicatur. Ei autem, qui temere judicat, ipſa temeritas neceſſe eſt, ut noceat. [*g*] Aug. Ep. 137. Quid obeſt homini, quod ex illa Tabula non vult eum recitari humana Ignorantia, ſi de Libro Vivorum non eum delet iniqua Conſcientia? ap. Gratian. ibid. cap. 50.

foreſaid Place of *Gregory* [*h*], That he deprives himſelf of the Power of Binding and Looſing, who exerciſes it according to his arbitrary Will, and not according to the Deſerts of thoſe that are under his Government. He means, That an Excommunication unjuſtly pronounced, is of no Force againſt one that deſerves it not; neither is the Abſolution of an impenitent Sinner any better; becauſe they are both done *Clave errante*, by a Miſapplication of the Keys, in which Caſe, as the *Gloſs upon the Law* [*i*] words it, the Party ſo bound is not bound before GOD: For it often happens, that by this Means a Man is excommunicated out of the Church Militant, who notwithſtanding is in the Church Triumphant. And ſuch Excommunications, ſays Cardinal *Tolet*, bind neither [*k*] before GOD nor the Church.

Sect. 9. *No one to be excommunicated without being firſt heard, and allow'd to ſpeak for himſelf.*

NOW to prevent this Inconvenience, the ancient Church preſcribed ſeveral uſeful Rules to be obſerved in the Matter of Excommunication. For beſides that ordinarily no one was to be cenſured without a previous Admonition, as has been noted [*] before, it was likewiſe ordered, That no Man ſhould be condemned in his Abſence, without being allowed Liberty to anſwer for himſelf, unleſs he contumaciouſly refuſed to appear. Let Eccleſiaſtical Judges beware, ſays the Council of *Carthage* [*l*], that they never pronounce

[*h*] Greg. Hom. 26. in Evang. ap. Grat. c. 60. Ipſe ligandi atque ſolvendi poteſtate ſe privat, qui hanc pro ſuis voluntatibus, & non pro ſubjectorum moribus exercet. Vid. Gelaſium. ibid. ap. Grat. c. 46. [*i*] Gloſs. in Extravagant. Joan. 22. Tit. 14. cap. 5. p. 160. [*k*] Tolet. Inſtruct. Sacerdot. Lib. 1. cap. 10. [ ] Chap. II. n. 6. [*l*] Conc. Carth. 4. can. 30. Caveant Judices Eccleſiaſtici, ne abſente eo, cujus Cauſa ventilatur, ſententiam proferant, quia irrita erit, & Cauſam in Synodo pro facto dabunt. Vid. plura ap. Gratian. Cauſ. 3. Quæſt. 9.

nounce Sentence againſt any one that is abſent when his Cauſe is under Debate: Otherwiſe the Sentence ſhall be void, and they ſhall give an Account of their Action to the Synod. Upon this Ground St. *Auſtin* [*m*] refutes the Cenſure which the *Donatiſts* pretended to paſs upon *Cecilian* Biſhop of *Carthage*, becauſe he was abſent, and never examined by them before they proceeded to condemn him.

Sect. 10. *Nor without legal Conviction, either by his own Confeſſion; or credible Evidence of Witneſſes, againſt whom there was no Exception; or ſuch Notoriety of the Fact as made a Man liable to Excommunication* ipſo facto, *without any formal Denunciation.*

ANOTHER Rule obſerved in this Caſe was, That no one ſhould be excommunicated, unleſs he ſtood legally convicted of his Crime. Which might be three Ways; 1. By his own Confeſſion. 2. By the credible Evidence of ſuch Witneſſes, as could not juſtly be excepted againſt, or ſuſpected of bearing falſe Teſtimony. 3. By ſuch Notoriety of the Fact, as made a Man liable to Excommunication *ipſo facto*, without any farther Proceſs or formal Denunciation: As in the Caſe of thoſe that fell by Offering Sacrifice in Time of Perſecution: Here was no need in this Caſe either of their own Confeſſion, or Conviction by Witneſſes: For their Crime was notorious to all the World, and it needed no formal Proceſs or Examination of Witneſſes to condemn them: Neither was there any need

[*m*] Aug. Ep. 162. p. 279. Si nec vituperari, nec corripi, niſi interrogatum Spiritus Sanctus voluit, quanto ſceleratius non vituperati aut correpti, ſed omnino damnati ſunt, qui de ſuis criminibus nihil abſentes interrogari potuerunt? It. Serm. 22. de verbis Apoſt. Damnatus eſt Cæcilianus, abſens primo, deinde à Traditoribus, &c.

need of a formal Sentence of Excommunication to be pronounced againſt them: For they ſtood excommunicated *ipſo facto*, as Learned Men [*n*] ſtile it; the Fact itſelf being evident and notorious to all, was ſufficient to declare them excommunicate, as having forfeited all Right to the Privileges of Chriſtian Communion. In other Caſes, where the Matter was not ſo clear, they required either the Confeſſion of the Party himſelf, or the legal Evidence of unexceptionable Witneſſes. Thus St. *Auſtin* [*o*] declares: We cannot exclude any one from Communion, except he either voluntarily confeſs his Crime himſelf, or be noted and convicted in ſome Secular or Eccleſiaſtical Judgment. For who dare to aſſume both to himſelf, to be both Accuſer and Judge? We are not to exclude any Man, ſays Pope *Innocent* [*p*] upon bare Suſpicions. Where the Crime is not evident, ſays *Origen* [*q*], we can caſt no Man out of the Church, leſt while we root out the Tares, we root up the Wheat alſo. And the ſame Reaſon is given by St. *Auſtin* in the Place now cited. *Juſtinian* [*r*] confirmed this Rule of the Church by a Civil Sanction, not only forbidding all Biſhops and Presbyters to ſegregate any Man from the Communion before his Crime was

[*n*] Vid. Cave Prim. Chriſt. Part III. cap. 5. p. 366.

[*o*] Aug. Hom. 50. de Pœnitent. T. 10. p. 207. Nos a Communione prohibere quenquam non poſſumus niſi aut ſponte confeſſum, aut in aliquo ſive ſeculari ſive Eccleſiaſtico Judicio nominatum atque convictum. Quis enim ſibi utrumque audeat aſſumere, ut cuiquam ipſe ſit & Accuſator & Judex? [*p*] Innoc. Ep. 3. cap. 4. Non facile quiſquam ex ſuſpicionibus abſtinetur. Probatione ceſſante, vindictæ ratio conquieſcit. [*q*] Orig. Hom. 21. in Joſue. T. 1. p. 328. [*r*] Juſtin. Novel. 123. c. 11. Omnibus autem Epiſcopis & Presbyteris interdicimus, ſegregare aliquem a ſacra Communione, antequam cauſa monſtretur propter quam ſanctæ Regulæ hoc fieri jubent, &c.

was evidently proved againſt him, but ordering ſuch an one immediately to be reſtored to Communion, and the Miniſter who ſuſpended him, to be ſuſpended himſelf by his Superior, *ut quod injuſte fecit, juſte ſuſtineat*, that he may juſtly ſuffer the ſame Puniſhment which he unjuſtly inflicted on the other. As therefore they were not to excommunicate a whole Multitude, though their Crimes were notorious; ſo neither were they to excommunicate a ſingle Criminal, unleſs his Crime could be made evident to the Multitude, that they might deteſt and abhor it: Then the Severity of Diſcipline was not to ſleep [*s*], according to St. *Auſtin*'s Rule: [*t*] If the Criminal was accuſed and alſo convicted by evident Proofs and Teſtimony before the Judge, then the Judge might proceed againſt him lawfully, to puniſh, correct, excommunicate or degrade him. But otherwiſe, without ſuch legal Conviction, no Biſhop could ſuſpend a Clerk from Communion, unleſs he contumaciouſly refuſed to appear to have his Cauſe examined before him. And this, St. *Auſtin* [*u*] ſays, was determined in Council for greater Security againſt Arbitrary Proceedings. And it is obſervable in this Caſe, that the Canons never allowed [*x*] the Teſtimony of one ſingle Witneſs as ſufficient Evidence

[*s*] Aug. cont. Epiſt. Parmen. Lib. 3. cap. 2. Quando cujuſque crimen notum eſt omnibus, & omnibus execrabile apparet — non dormiat ſeveritas Diſciplinæ. [*t*] Aug. Ser. 24. de verbis Apoſt. ap. Gratian. Cauſ. 23. Quæſt. 4. cap. 11. Si judicandi poteſtatem accepiſti, Eccleſiaſtica Regula, ſi apud te accuſatur, ſi veris Documentis teſtibuſque convincitur, coerce, corripe, excommunica, degrada.

[*u*] Aug Ep. 137 In Epiſcoporum Concilio conſtitutum eſt, nullum Clericum, qui nondum convictus eſt, ſuſpendi a Communione debere, niſi ad Cauſam ſuam examinandam ſe non præſentaverit. [*x*] Vid. Can. Apoſt. 75. Conc. Ilerdenſe. ap. Crab. ex Ivone. Lib. 5.

dence to convict a Criminal; grounding upon that Rule in the Divine Law, *In the Mouth of two or three Witneſſes ſhall every Word be eſtabliſhed.* Nay, though it were a Biſhop or Presbyter that accuſed any Man, barely upon his own Knowledge, his Teſtimony was not ſufficient ground to proceed againſt him to Excommunication. For as we have heard St. *Auſtin* ſay but juſt now, No Man could be both Accuſer and Judge. And therefore it was provided by the Council of *Vaiſon* [*y*], That though a Biſhop knew a Man to be a Criminal, yet if he alone was Privy to his Crime, and could make no other Proof of it, he ſhould not ſo much as publiſh it, but deal privately with the Man by Admonition to bring him to Repentance. But if notwithſtanding his Admonition he would perſiſt pertinacious, and offer himſelf publickly to communicate, the Biſhop ſhould not have Power to excommunicate or caſt him wholly out of the Church, but only injoin him to recede for a Time out of Reſpect to the Biſhops Perſon, whilſt he continued in the Communion of all thoſe who knew nothing of his Offences. And even this was a greater Deference paid to the ſingle Teſtimony of a Biſhop, than was allowed in the *African* Churches. For there, by a Rule of the ſeventh Council of *Carthage*,

[*y*] Conc. Vaſenſ. 1. can. 8. Si tantum Epiſcopus alieni ſceleris ſe conſcium novit, quamdiu probare non poteſt, nihil proferat, ſed cum ipſo ad compunctionem ejus ſecretis correptionibus elaboret. Quod ſi correptus pertinacior fuerit, & ſe communioni publice ingeſſerit, etiam ſi Epiſcopus in redarguendo illo, quem reum judicat, probatione deficiat, indemnatus licet ab his qui nihil ſciunt, ſecedere ad tempus pro Perſona majoris auctoritatis jubeatur, illo, quamdiu probari nihil poteſt, in Communione omnium, præterquam ejus qui eum reum judicat, permanente.

thage made in St. *Auſtin*'s Time [z], if a Man confeſſed his Crime to a Biſhop, and afterwards deny'd it, the Biſhop was not to think he had any Injury done him, if his ſingle Evidence was not taken by his Fellow-Biſhops to the Mans Condemnation: And if in ſuch a Caſe the Biſhop preſumed to excommunicate him, upon a Scruple of Conſcience that he could not communicate with ſuch an one, the Biſhop himſelf was not to communicate with other Biſhops, that he might learn to be more cautious in ſaying that againſt any Man, which he could not prove by any other Evidence but his own Teſtimony. So tender where theſe holy Biſhops of condemning any Man without ſufficient and legal Evidence to convict him. St. *Auſtin*, who was preſent in this Council, tells a remarkable Story [a] of a Caſe of this Nature, that happened between *Boniface* one of his Presbyters, and a Man that was accuſed by him. Having no ſufficient Evidence, but only their ſingle Teſtimony on either Side, he would not determine the Matter between them, but ordered them both to go to the Sepulchre of *Felix* the Martyr, in hopes that the Cauſe might be decided by ſome apparent Miracle and Divine Judgment, where human Judgment could not determine it, as he ſays he had known it done in a Caſe of Theft at *Milan*. He

 adds,

[z] Conc. Carth. 7. can. 5. Placuit, ut ſi quando Epiſcopus dicit, aliquem ſibi ſoli proprium crimen fuiſſe confeſſum, atque ille neget: non putet ad injuriam ſuam Epiſcopus pertinere, quod ipſi ſoli non creditur: Et ſi ſcrupulo propriæ conſcientiæ ſe dicit neganti nolle communicare, quamdiu excommunicato non communicaverit ſuus Epiſcopus, eidem Epiſcopo ab aliis non communicetur Epiſcopis, ut magis caveat Epiſcopus, ne dicat in quenquam quod aliis documentis convincere non poteſt. Vid. Cod. Afric. can. 133 & 134. & Aug. Hom. 16. de verbis Dom. [a] Aug. Ep. 137.

adds, that both the Eccleſiaſtical and Civil Law forbad the condemning any Man upon the Evidence of a ſingle Witneſs, as inſufficient to convict him. The Eccleſiaſtical Law we have alrady heard; and for the Civil Law, it is probable he refers to a Decree of *Conſtantine* now extant in the *Theodoſian Code* [*b*], which preciſely injoins all Judges not to determine any Cauſe upon the Evidence of a ſingle Witneſs, though it were even a Senator that was the Deponent. Which *Gothofred* compares to a noted Saying among the old *Romans*, related by *Plutarch*, That it was not right to give Credit to one Witneſs, though it were *Cato* himſelf that gave Teſtimony. Whence *Gothofred* alſo with great Reaſon concludes [*c*], that the Law which goes under the Name of *Conſtantine* at the end of the *Theodoſian Code*, allowing the ſingle Teſtimony of a Biſhop to be good Evidence, is a ſpurious Law, (though it be inſerted into the *Capitular* [*d*] of *Charles the Great*, and *Gratian*'s Decree) becauſe it contradicts all other Laws both Eccleſiaſtical and Civil upon this Subject.

IT is worth obſerving farther, That to ſecure the Innocence of vertuous Men from being unjuſtly traduced and cenſured, there were many Laws forbidding the Teſtimony of Hereticks, or other ſuſpected and infamous Perſons to be accepted in Judgment, of which becauſe I have had Occaſion to diſcourſe [*] elſewhere, I ſay no more in this Place.

[*b*] Cod. Theod. Lib. 11. Tit. 39. de Fide Teſtium. Leg. 3. Manifeſte ſancimus, ut unius omnino teſtis reſponſio non audiatur, etiam ſi præclaræ Curiæ honore præfulgeat.

[*c*] Gothofred. in Cod. Theod. Lib. 11. Tit. 39. Leg. 3. & Lib. 16. Tit. 12. Leg. 1. p. 306. [*d*] Capitular. Lib. 6. cap. 281. Grat. Cauſ. 11. Quæſt. 1. cap. 36. [*] Book V. Chap. i. n. 5.

Place. But from all that has now been ſaid it ſufficiently appears, that though the Ancients were very ſtrict and ſevere in their Diſcipline, yet they were equally cautious, that the Severity of it ſhould not affect the Innocent: And every Man was preſumed to be Innocent, till a juſt and legal Proof could be made againſt him: Nor was this an harm to the Church, it being better that ſome vitious Men ſhould eſcape, than that vertuous Men ſhould be expoſed to the greateſt of all Puniſhments upon bare Suſpicion, or the arbitrary Pleaſure of any one Man; for which Reaſon alſo, as I have often noted, the Church ſtill allowed an Appeal from the unjuſt Sentence of any Biſhop to the Re-examination of a Provincial Council.

Sect. 11. *Excommunication not ordinarily inflicted upon Minors or Children under Age.*

ANOTHER Sort of Perſons whom the Cenſures of the Church ſeldom or never touched, were Minors, or Children under Age: There being more proper Puniſhments thought fit for them, ſuch as fatherly Rebukes and corporal Correction: And to inflict the higheſt Cenſures upon ſuch, was rather thought a leſſening of Authority, and bringing Contempt upon the Diſcipline of the Church. Therefore *Socrates* obſerves of *Arſenius* the *Egyptian* Abbot, that he was never uſed to excommunicate any *Junior* Monks, but only thoſe that had made a greater Proficiency: For a young Man [*e*] when he is excommunicated, only becomes a Deſpiſer. *Palladius* obſerves the ſame of the Diſcipline of the great Church of *Mount Nitria* [*f*], That they had three Whips hanged up in the Church, one for chaſtizing the offending Monks, another for Robbers,

[*e*] Socrat. Lib. 4. cap. 23. Νέος ἀφροδισιάζεις καὶ ἀργυρωνητὸς γίνεται. [*f*] Pallad. Hiſt. Lauſiaca. cap. 6.

and a Third for Strangers that came accidentally, and behaved themſelves diſorderly among them. So in the Rule of *Iſidore* of *Sevil* one Article [*g*] is, That they who were in their Minority, ſhould not be puniſhed with Excommunication, but according to the Quality of their Negligence or Offence be corrected with congruous Stripes. The late Author of the *Hiſtoria Flagellantium* [*h*] cites the Rule of *Macarius* [*i*] and that of St. *Benedict* [*k*] and *Aurelian* [*l*] and *Gregory the Great* to the ſame [*m*] Purpoſe. And *Cyprian* in the Life of *Cæſarius Arelatenſis* ſays, That Biſhop obſerved this Method both with Slaves and Freemen, that when they were to be ſcourged for their Faults, they ſhould ſuffer Forty Stripes ſave one, according as the Law appointed. The Council of *Agde* [*n*] orders the ſame Puniſhment not only for *Junior* Monks, but alſo for the Inferior Clergy. And the Council of *Maſcon* [*o*] particularly inſiſts upon the Number of Forty Stripes ſave one. The Council of *Vannes* [*p*] repeats the Canon of *Agde*. And the Council of *Epone* ſpeaks [*q*] of Stripes, as the peculiar Puniſhment of the Minor Clergy, for the ſame Crimes that were puniſhed with Excommunication for a whole Year in the Superior Clergy. Nor is this to be wondred at in

[*g*] Iſidor. Regula. cap. 17. In minori ætate conſtituti non ſunt coercendi ſententia Excommunicationis, ſed pro qualitate negligentiæ congruis emendandi ſunt plagis.

[*h*] Hiſt. Flagellant. cap. 5, & 6. [*i*] Macar. Regula. cap 15. [*k*] Benedict. Reg. cap. 70. [*l*] Aurelian. Reg. ibid. [*m*] Greg Lib. 9 Ep. 66. [*n*] Conc. Agathen. can. 38. Si verborum increpatio non emendaverit, etiam verberibus ſtatuimus coerceri. It. can. 41.

[*o*] Conc. Matiſcon 1 can. 5. Si junior fuerit, uno minus de quadraginta ictus accipiat. [*p*] Conc. Veneticum. can. 6 [*q*] Conc. Epaunenſ. can. 15. Minores Clerici vapulabunt.

in theſe Councils, ſince St. *Auſtin* [r] aſſures us, this kind of Puniſhment by Stripes was commonly uſed not only by Schoolmaſters and Parents, but by Biſhops in their Conſiſtories alſo. And the plain Reaſon of all this ſeems to be, not ſo much the Diſtinction of Crimes, as the Diſtinction of Age and Quality in the Perſons.

Sect. 12. *How Perſons were ſometimes excommunicated after Death.*

ANOTHER Enquiry may be made concerning Perſons deceaſed; whether ever any Excommunication was inflicted on Men after Death, if they died in the Peace and Communion of the Church? It has already been obſerved [*], That when Men died impenitent under the Bonds of Excommunication unrelaxed, a neceſſary Conſequence of that was the denying them Chriſtian Burial, and all future Memorial in the Prayers and Oblations of the Church, by ſtriking their Names out of the *Diptychs* or holy Books, which kept the Memorial of ſuch as died in the Peace and Communion of the Church. But the Queſtion here is not about thoſe that died ſo excommunicate, but thoſe that died in the viſible Communion and external Peace of the Church, and under no Eccleſiaſtical Cenſure; whether upon any new Diſcovery of their Errors or Crimes after Death, they were liable to be excommunicated, and after what manner that Cenſure was paſſed upon them. Now the Reſolution of this Queſtion in Part will eaſily be given from a famous Caſe in *Cyprian* concerning one *Geminius Victor*, who contrary to

[r] Aug. Ep. 159. ad Marcellin. Qui modus coercitionis & à Magiſtris artium liberalium, & ab ipſis Parentibus, & ſæpe etiam in Judiciis ſolet ab Epiſcopis adhiberi. Vid. Aug. Serm. 215. de Tempore. Si ad vos pertinent, etiam Flagellis cædite, &c. [*] Chap. ii. n. 11.

the Rule of a Council, had made *Geminius Faustinus* a Guardian or Trustee by his last Will and Testament; for which Transgression, *Cyprian*, after his Death, wrote to the Church of *Furni*, where he had lived, to put the Sentence of the Council in Execution against him; telling them, That since *Victor* [s] had presumed, against the Rule made in Council, to appoint *Geminius Faustinus*, one of the Presbyters of the Church, his Trustee, for this Offence no Oblation ought be made for his Death, nor any Prayer to be offered in his Name in the Church, according to the Custom of Praying then for all that were departed in the Faith. This was a plain Excommunication of him after Death, by erasing his Name out of the *Diptychs* of the Church. Such another Decree we find in the *African Code* against any Bishop that should make Hereticks or Heathens his Heirs, whether they were of his own Kindred or not: Let such an one [t] be anathematized after Death, and let not his Name be written or recited among the Priests of GOD. With this agrees what St. *Austin* says more than once concerning *Cecilian* Bishop of *Carthage*, That if the Things which the *Donatists* objected against him were true, and they could evidently prove them, the *Catholicks* [u] were ready to anathematize him after Death. And there

[s] Cypr. Ep. 66. al. 1. ad Cler. Furnitan. p. 3. Ideo Victor, cum contra Formam nuper in Concilio a Sacerdotibus datam, Geminium Faustinum Presbyterum ausus sit Tutorem constituere, non est quod pro Dormitione ejus apud vos fiat Oblatio, aut Deprecatio aliqua nomine ejus in Ecclesia frequentetur. [t] Cod. Afric. can. 82. μετὰ θάνατον ἀνάθεμα τοιούτῳ λεχθείη, &c. [u] Aug. Ep. 50. ad Bonifac. Comitem. p. 80. Si vera essent quæ ab eis objecta sunt Cæciliano, & nobis possent aliquando monstrari, ipsum jam mortuum anathematizaremus. It. Ep. 152. quæ est Epistola Synodica Concilii Cirtensis ad Donatistas. Si forte malus esset inventus, ipsum anathematizaremus.

there want not in Fact ſeveral Inſtances of this Practice. For thus *Origen*, as *Socrates* ſays [*x*], was excommunicated Two hundred Years after his Death by *Theophilus* Biſhop of *Alexandria*. And *Theodorus* of *Mopſueſtia* was ſo anathematized by the fifth General Council [*y*], as appears from *Evagrius*, and the Letters of *Juſtinian*, and the Acts of the Council. In like manner the ſixth General Council [*z*] anathematized Pope *Honorius* as a *Monothelite* after Death, together with *Cyrus* Biſhop of *Alexandria*, and *Theodorus* Biſhop of *Pharan*, and *Sergius*, *Pyrrhus*, *Petrus* and *Paulus*, Biſhops of *Conſtantinople*, all whoſe Names were eraſed out of the ſacred *Diptychs* after Death by the Order of that Council. It is a grand Diſpute indeed among the Gentlemen of the Church of *Rome*, Whether the Name of their Pope *Honorius* ought to ſtand in that Black Liſt? (*Baronius* [*a*] affirming, That the Acts of the Council, where his Name is inſerted, are corrupted; and *Combefis* [*b*] on the other hand, writing a whole Volume againſt *Baronius* to prove them genuine:) But however that Matter be, there is no Diſpute about all the reſt; but that they were certainly anathematized by that Council after Death. Sometimes Men were unjuſtly excommunicated either living or dead: and then the Way to reſtore them to the Communion of the Church, was, to inſert their Names into the *Diptychs*, whence they had been expunged before. Thus *Theodoret* [*c*] ſays, *Atticus* reſtored the Name of *Chryſoſtom*, after it had for many Years been left out. And *John* Biſhop of *Conſtantinople* in a Synod, *An.* 518, reſtored the Names

[*x*] Socrt. Lib. 7. cap. 45. [*y*] Evagr. Lib. 4. cap. 38. Juſtin. Epiſt. in Act. 1. Conc. 5. General. [*z*] Conc. Conſtant. 6. Gen. Act. 13. [*a*] Baron. an. 680. n. 34. [*b*] Combefis Hiſt. Monothelitar. Par. 1648. [*c*] Theod. Lib. 5. cap. 34.

of Pope *Leo*, and *Euphemius*, and *Macedonius*, and the Council of *Chalcedon*, which by the Fraud of *Anaſtaſius* the Emperor, who was an *Eutychian* Heretick, had all been caſt out of the *Diptychs* of the Church [*d*]. This was the Method both of Condemning, and Reſtoring Men to the Communion of the Church after Death. To deny them Chriſtian Burial, or not to receive their Oblations, or to eraſe their Names out of the *Diptychs*, was the ſame Thing as to declare them anathematized, and caſt out of the Communion of the Faithfull, with whom the Church maintained Communion after Death. And ſo far we have conſidered the Perſons, that might or might not be the Subjects of Eccleſiaſtical Cenſures, whether living or dead.

Sect. 13. *The Cenſures of the Church not to be inflicted for ſmall Offences.*

THE next Enquiry is concerning the Crimes, for which theſe Cenſures might be inflicted. And here the Canons are wont to make a very exact and nice Diſtinction in general between the greater and leſſer Sins, the former only being ſuch as were regarded in the Buſineſs of Excommunication. For this being the ſevereſt of all Puniſhments, was not to be inflicted for every Trifle. Therefore Biſhops, ſays the Council of *Agde* [*e*], muſt have a great Regard to Sacerdotal Moderation, and not preſume to excommunicate either the Innocent, or thoſe that are guilty

[*d*] Vid. Acta Conc. Conſt. in Act. 5. Conc. ſub Menna.

[*e*] Conc. Agathen. cap 3. Epiſcopi, ſi Sacerdotali Moderatione poſtpoſita, innocentes, aut minimis cauſis culpabiles, excommunicare præſumpſerint,—— a vicinis Epiſcopis cujuſlibet Provinciæ Literis moneantur. Et ſi parere noluerint, Communio illis uſque ad tempus Synodi a reliquis Epiſcopis denegetur, al. non denegetur. *See* Gratian. Cauſ. 11. Quæſt. 3. cap. 8. *where this Canon is cited, and what the* Roman *Correctors obſerve of this various Reading.*

guilty only of ſmall Offences. Otherwiſe they are liable to be admoniſhed by the neighbouring Biſhops of the Province; and if they obey not, the Biſhops of the Province are to refuſe them their Communion till the next Synod. Some Copies read it, They ſhall not be deny'd Communion till the next Synod: And then it refers to the Perſons excommunicated, that though they were raſhly caſt out of the Church for ſlight Cauſes by their own Biſhops, the reſt of the Biſhops ſhould not deny them Communion, till their Cauſe was heard in a Synod. The fifth Council of *Orleance* has a like Order, That no Biſhop ſhall [*f*] ſuſpend any of the Faithfull from the Communion for little and ſlight Cauſes, but only for thoſe Crimes for which the ancient Fathers command Offenders to be caſt out of the Church. And this is repeated in the Council of *Arvern* or *Clermont* [*g*], held about the ſame time, *An.* 549.

Sect. 14. *What the Ancients meant by ſmall Offences in this Matter, and how they diſtinguiſhed them from the greater.*

BUT it may be ask'd, What the ancient Fathers meant by ſlight Cauſes and ſmall Offences in this Buſineſs of Eccleſiaſtical Cenſure? And how they diſtinguiſhed theſe from thoſe greater Crimes, which made Men liable to Excommunication, and publick Penance in the Church? The right Underſtanding of theſe Things will be of great Uſe, not only to give us a clear View of the Nature of Eccleſiaſtical Diſcipline, but alſo to ſhew the Vanity of a late Diſtinction between Mortal

[*f*] Conc. Aurel. 5. can. 2. Nullus Sacerdotum quenquam rectæ fidei hominem pro parvis & levibus cauſis a Communione ſuſpendat: Præter eas culpas, pro quibus antiqui Patres arceri ab Eccleſia juſſerunt committentes. [*g*] Conc. Arvernens. 2. can. 2. Conc. Tom. 5. p. 402.

tal and Venial Sin, as uſed by the *Romaniſts*, to bring all Sins that are Mortal under the Neceſſity of *auricular* Confeſſion, and private Abſolution. Now it is certain the Ancients did not believe any Sins to be Venial, as that ſignifies needing no Pardon, but in that Senſe all Sins to be Mortal in their own Nature, and ſuch as we have need to ask Pardon for at the Hands of GOD. But becauſe there are ſome Sins of human Frailty and Inadvertency in the beſt of Men, and Sins of daily Incurſion, without which no Man lives: Theſe they uſually call Venial Sins, as needing no other Repentance, but a general Confeſſion; nor any other Pardon, but what is daily granted by GOD to good Men, upon their daily Prayers and Acknowledgment of their Offences. Beſides theſe, there are other Sins of Willfullneſs, and of a more malignant Nature, which if continued in, without a particular Repentance and Reformation, will prove Mortal, and exclude Men from the Kingdom of Heaven: And yet many of theſe were ſuch, as did not ordinarily bring Men under the higheſt Cenſures of the Church, but were to be cured only by general Reproofs and Exhortations to Repentance. Theſe alſo in like manner, with reſpect to the Severity of Church Diſcipline, which did nor reach them, were ſometimes termed leſſer and Venial Sins, in Oppoſition to thoſe yet more heinous Sins, which brought Men under Excommunication and publick Penance to make Expiation and Atonement for them. Theſe Sins were Mortal in their own Nature, and Fatal in the Effect to the Sinner: But yet the Church for many Reaſons was obliged ſometimes to let them paſs, without any other Cenſure than a Paſtoral Admonition. But there was a third Sort of Sins both of a malignant, and publick, and flagrant Nature, of which Sinners might eaſily be impleaded and convicted;

victed: And theſe were thoſe great Sins, (as they are uſually termed in Oppoſition to both the forementioned Kinds) on which the higheſt Severities of Church Diſcipline were exerciſed, unleſs where the Multitude of Sinners, or their Abettors, or the Danger of Schiſm (as has been noted before) made the Thing impracticable and unfeaſible. This threefold Diſtinction of Sins, is accurately noted by St. *Auſtin* in his Book of *Faith and Works*: He ſays, There [*h*] are ſome Sins ſo great, as to deſerve to be puniſhed with Excommunication, according to that of the Apoſtle, To *deliver ſuch an one unto Satan for the Deſtruction of the Fleſh, that the Spirit may be ſaved in the Day of the Lord.* Again, There are other Sins, which are not to be cured by that Humiliation of Penance, which is impoſed upon thoſe who are properly called Penitents in the Church, but by certain Medicines of Reproof, according to that of our Lord, *Tell him of his Fault between him and thee alone; if he hear thee, thou haſt gained thy Brother.* Laſtly, There are other Sins, for which He hath left us a daily Cure in that Prayer, wherein He hath taught us to ſay, *Forgive us our Treſpaſſes, as we forgive them that treſpaſs againſt us.* By this it is plain, that all great and deadly Sins did not bring Men under the publick Cenſure of Excommunication, but only thoſe of the firſt Kind, which were

[*h*] Aug. de Fide & Operibus. cap. 26. Niſi eſſent quædam ita gravia, ut etiam Excommunicatione plectenda ſint, non diceret Apoſtolus: Congregatis vobis & meo ſpiritu, tradere ejuſmodi hominem Satanæ, &c. Item niſi eſſent quædam non ea humilitate Pœnitentiæ ſananda, qualis in Eccleſia datur eis qui proprie Pœnitentes vocantur, ſed quibuſdam correptionum medicamentis, non diceret ipſe Dominus, Corripe inter te & ipſum ſolum, &c. Poſtremo, niſi eſſent quædam, ſine quibus hæc Vita non agitur, non quotidianam medelam poneret in Oratione quam docuit, ut dicamus, Dimitte nobis Debita noſtra, &c.

were of the higheſt Nature. In other Places he diſtinguiſhes Sins only into two Kinds, greater and leſſer; Sins that obliged Men to do publick Penance, and Sins that were pardoned by daily Prayer, Weeping, Faſting, Giving and Forgiving, without any Obligation to do publick Penance for them. The former he calls Mortal Sins, and the other Venial; not becauſe they were not Mortal in their own Nature, but becauſe they were pardoned without the Solemnity of a publick Repentance. So many great Sins, ſuch as Anger, and evil Thoughts, and evil Speaking, and Exceſs in the Uſe of lawful Things, are reckoned by him in the Number of leſſer Sins, in Compariſon of ſuch great and deadly Sins, as Murder, and Theft, and Adultery. He that is free, ſays he [*i*], from great and Mortal Sins, ſuch as the Crimes of Murder, Theft, and Adultery, yet being liable to many leſſer Sins of the Tongue, and Thoughts, and immoderate Uſe of lawful Things, he thereupon exerciſes himſelf in making true Confeſſion of them, and comes to the Light by performing good Works; becauſe a Multitude of leſſer Sins, if they be neglected, kill the Soul. Many ſmall Drops fill a River: A Grain of Sand is but a ſmall Thing, but many Grains added together, will load and oppreſs us. The Pump of a Ship, if it be neglected, will do the ſame thing as a boiſterous Wave. It enters by little and little at the Pump, but by long entring, and never draining, at laſt it ſinks the Ship. And what is it to drain the

[*i*] Aug. Tract. 12. in Joan. p. 47. Liberatus ab illis lethalibus & grandibus peccatis, qualia ſunt facinora, Homicidia, Furta, Adulteria, propter illa quæ Minuta eſſe peccata videntur Linguæ, Cogitationum, aut Immoderationis in rebus conceſſis, facit veritatem Confeſſionis, & venit ad lucem in operibus bonis: Quoniam minuta plura peccata, ſi negligantur, occidunt, &c.

the Soul, but by good Works, ſuch as Mourning, and Faſting, and Giving and Forgiving, to take Care that ſuch Sins do not overwhelm the Soul? The leſſer Sins, he here ſpeaks of, were not only Sins of Inadvertency and common human Frailty, but Sins of an higher Nature: And yet he calls them little Sins in Compariſon of thoſe great and deadly Sins of Adultery and Murder, for which Men underwent publick Penance, which they did not for theſe other Sins, which yet would prove fatal, unleſs Men took Care by Confeſſion and godly Sorrow and Faſting, and Almſdeeds and Charity to their Enemies, to clear themſelves of them. In another Place [*k*] he ſpeaks of two Sorts of Repentance for two Sorts of Sins committed after Baptiſm, which he thus diſtinguiſhes: There is one Sort of Repentance which is to be performed every Day. And whence can we ſhew that? I cannot better ſhew it, than from the daily Prayer, where our LORD hath taught us to pray, and ſhewed us what we are to ſay unto the Father in theſe Words, *Forgive us our Treſpaſſes, as we forgive them that Treſpaſs againſt us.* There is another more weighty and mournful Sort of Repentance, from which Men are properly called Penitents in the Church: By which they are ſequeſtred from partaking

[*k*] Aug. Hom. 27. ex 50. T. 10. p. 177. Eſt alia Pœnitentia quotidiana. Et ubi illam oſtendimus? non habeo ubi melius oſtendam, quam in Oratione quotidiana, ubi Dominus orare nos docuit. —— Eſt & Pœnitentia gravior atque luctuoſior, in qua proprie vocantur in Eccleſia Pœnitentes: Etiam remoti a Sacramento altaris participandi, ne accipiendo indigne, Judicium ſibi manducent & bibant. Illa vero Pœnitentia luctuoſa eſt, grave vulnus eſt: Adulterium fortè commiſſum eſt, forte Homicidium, forte Sacrilegium. Gravis res, grave vulnus, Lethale, Mortiferum, ſed omnipotens Medicus, &c. Vid. Hom. 50. ibid. cap. 3.

taking of the Sacrament of the Altar, leſt they ſhould eat and drink Damnation to themſelves. This is a grievous Repentance, the Wound is very grievous, perhaps Adultery, or Murder, or Sacrilege has been committed. This is a grievous Thing, a grievous Wound, mortal and deadly, but the Phyſician is Almighty. Here again is a plain Diſtinction between ſuch great Sins as Adultery, Sacrilege, and Murder, for which Men were to do a long and publick Penance in the Church; and ſuch Sins of a lower Rank, as were to be done away by daily Prayer and daily Repentance, which was the Remedy for all Sins, great and ſmall, that were not of the higheſt Nature. Upon this Account he calls publick Penance by the Name of *Pœnitentia Major*, the greater Repentance, for great and deadly Sins, in Oppoſition to the leſſer or daily Repentance for Sins of a lower Nature, which he terms venial Sins, becauſe they were more eaſily pardoned by that ordinary and daily Repentance. Thus in his Inſtructions to the Catechumens, directing them how to lead their Lives after Baptiſm, he tells them [*l*], He did not preſcribe them an impoſſible

[*l*] Aug. de Symbolo ad Catechumenos. Lib. 1. cap. 7. Tom. 9. Non vobis dico, quia ſine peccato hic vivetis: Sed ſunt Venialia, ſine quibus vita iſta non eſt. Propter omnia peccata Baptiſmus inventus eſt: Propter levia, ſine quibus eſſe non poſſumus, Oratio inventa. Quid habet Oratio? Dimitte nobis debita noſtra, ſicut & nos dimittimus debitoribus noſtris. Semel abluimur Baptiſmate. Quotidie abluimur Oratione. Sed nolite illa committere, pro quibus neceſſe eſt ut a Chriſti corpore ſeparemini; quod abſit a vobis. Illi enim, quos videtis agere Pœnitentiam, ſcelera commiſerunt, aut Adulteria, aut aliqua facta immania: Inde agunt Pœnitentiam. Nam ſi levia peccata eorum eſſent, ad hæc Quotidiana Oratio delenda ſufficeret. Ergo tribus modis dimittuntur peccata in Eccleſia, in Baptiſmate, in Oratione, in humilitate Majoris Pœnitentiæ. Vid. Aug. Hom. 119. de Tempore, cap. 8. Ep. 89. ad Hilarium Quæſt. 1. Ep. 108. ad Seleucianam.

poſſible Rule, to live here altogether free from Sin: For there were ſome leſſer or more pardonable Sins, without which this Life is not paſſed by any. Baptiſm was appointed for the Remiſſion of all Sins, of what kind ſoever: But for leſſer Sins Prayer was appointed. And what ſays the Prayer? *Forgive us our Treſpaſſes, as we forgive them that Treſpaſs againſt us.* We are once waſhed, or cleanſed from Sin by Baptiſm, we are daily cleanſed by Prayer. Only do not commit ſuch Things, for which it will be neceſſary to ſeparate you from the Body of CHRIST, which GOD forbid. For they whom you ſee doing Penance, have committed great Crimes, either Adultery, or ſome ſuch heinous Wickedneſs, upon Account of which they are doing Penance. For if they had been light Sins, the daily Prayer would have been ſufficient to blot them out. Therefore there are Three Ways by which Sins are forgiven in the Church, by Baptiſm, by Prayer, and by the Humiliation of the greater Repentance. Where by the greater Repentance, it is evident, he means the publick Penance done in the Church for Crimes only of the higheſt Nature: And therefore the leſſer Repentance, accompanying Mens daily Prayers, was ſufficient to blot out both leſſer Sins of daily Incurſion, and alſo greater Sins, for which no publick Penance was required, but only the ſincere Reformation of the Sinner, producing good Works, and eſpecially Works of Charity and Mercy. Thus in his *Enchiridion* [*m*], For daily, ſhort and light Sins, without

[*m*] Aug. Enchirid. cap. 71. De quotidianis, brevibus levibuſque peccatis, ſine quibus hæc vita non ducitur, Quotidiana Oratio Fidelium ſatisfacit. — Delet omnino hæc Oratio minima & quotidiana peccata. Delet & illa, a quibus vita Fidelium ſcelerate etiam geſta, ſed pœnitendo in melius mutata diſcedit, &c.

out which no Man lives, the daily Prayer of the Faithful is ſufficient. This Prayer blots out all little and daily Sins. It blots out alſo thoſe Sins, with which the Life of the Faithful is more egregiouſly defiled, provided they change it into better by true Repentance; if they ſay truly, with Actions correſponding to their Words, *Forgive us our Treſpaſſes, as we forgive them that Treſpaſs againſt us.* He often diſtinguiſhes [*n*] between *Peccatum* and *Crimen*, making the firſt to be ſuch Sins as are forgiven by daily Prayer and daily Repentance; and the ſecond ſuch flagrant Crimes as Murder, Adultery, Fornication, Theft, Fraud, Sacrilege, and ſuch like, for which Men were obliged to undergo publick Penance in the Church. And he underſtands the ſame Things, when he ſo often diſtinguiſhes [*o*] between greater and leſſer Sins, mortal Sins and venial Sins; preſcribing publick Repentance for the one, and private Repentance for the other. By all which it is manifeſt, that neither Sins of human Frailty and daily Incurſion, to which the

[*n*] Aug. Hom. 41. ex 50. Homo baptizatus, ſi vitam, non audeo dicere ſine Peccato (quis enim ſine Peccato?) ſed vitam ſine Crimine duxerit, & alia habet peccata, quæ Quotidie dimittuntur in Oratione dicente, Dimitte nobis debita noſtra, &c. quando diem finierit, vitam non finit, ſed tranſit de vita in vitam.

It. Tract. 41. in Joan. T. 9. p. 126. Apoſtolus quando elegit ordinandos — non ait, ſi quis ſine Peccato eſt; hoc enim ſi diceret, omnis homo reprobaretur, nullus ordinaretur; ſed ait, ſi quis ſine Crimine eſt, ſicut eſt Homicidium, Adulterium, aliqua immunditia Fornicationis, Furtum, Fraus, Sacrilegium, & cætera hujuſmodi. *He ſays a little before,* Crimen eſt Peccatum grave, accuſatione & damnatione digniſſimum.

De Civ. Dei. Lib. 21. cap. 27. Non putare nos eſſe ſine peccatis, etiamſi a criminibus eſſemus immunes.

[*o*] Aug. Tract. 26. in Joan. p. 93. De Symbolo. Lib. 1. cap. 7. cont. Julian. Pelagian. Lib. 2. cap. 10.

the beſt of Men are liable; nor many Sins of a more malignant Nature, as many evil Words, and evil Thoughts, and Exceſſes in the Uſe of lawful Things, and haſty Anger, and frequent going to Law for Trifles, were reckoned into the Number of thoſe flagrant Crimes, for which the Severities of Church Diſcipline were inflicted on Delinquents; but all ſuch Sins, being of an Inferior Nature, or not ſo eaſy to be proved upon Men, were only Matters of Reproof, and left to their own Conſciences to cure, either by daily Prayer, or private Repentance and Reformation.

AND that this was ſo from the Beginning, appears from what the Learned *Du Pin* has diſcourſed upon this Matter [*] againſt Mr. *Arnaud* and others of his own Communion. He obſerves that all the Ancients made this very Diſtinction between great and little Sins, and reckoned only very capital and mortal Crimes in the Number of ſuch Sins as were to be puniſhed with Excommunication. *Tertullian*, even when he diſputes againſt the Church upon the Point of Abſolution and Readmiſſion of excommunicated Sinners into the Church again, owns notwithſtanding that there were many Sins, which did not bring Men under the Cenſure of Excommunication, becauſe they were Sins of daily Incurſion, to which all Men were more or leſs expoſed. Among theſe [p] he reckons

[*] Du Pin. Bibliotheque Cent. 4. p. 218. [p] Tertul. de Pudicit. cap. 19. Sunt quædam delicta quotidianæ incurſionis, quibus omnes ſimus objecti. Cui enim non accidet aut iraſci inique, & ultra ſolis occaſum, aut & manum immittere, aut facile maledicere, aut temere jurare, aut fidem pacti deſtruere, aut verecundia aut neceſſitate mentiri; in Negotiis, in Officiis, in Quæſtu, in Victu, in Viſu, in Auditu quanta tentamur. — Sunt autem & contraria iſtis, ut graviora & exitioſa,

reckons Anger, when it is unjuſt either in its Cauſe or Duration, when the Sun goes down upon our Wrath; and alſo Quarrelling and Evil-ſpeaking, a raſh or vain Oath, a Failure in our Promiſe, a Lye extorted by Modeſty or Neceſſity, and many ſuch Temptations which befal Men in their Buſineſs and Offices, in Gain, in Eating, and Seeing, and Hearing. On the contrary, there are ſome more grievous and deadly Sins, which are uncapable of Pardon (according to his rigid Principles of *Montaniſm*) ſuch as Murder, Idolatry, Fraud, Apoſtacy, Blaſphemy, Adultery, and Fornication, and other ſuch Defilements of the Temple of GOD. In his Book againſt *Marcion*, he preciſely reckons up Seven Sins, which he diſtinguiſhes by the Names of Capital Crimes [*q*], Idolatry, Blaſphemy, Murder, Adultery, Fornication, Falſe-Witneſs and Fraud. The *Roman* Clergy obſerve the ſame Diſtinction between greater and leſſer Sins, when they in their Epiſtle [*r*] to *Cyprian*, ſtyle Idolatry the great Sin, and the grand Sin above all others. And *Cyprian* [*s*] himſelf calls it *ſummum Delictum*, the higheſt of all Crimes, the Blaſphemy againſt the Holy Ghoſt, which has never Forgiveneſs, but makes a Man guilty of eternal Sin: That is, a Sin that was to be puniſhed in both Worlds, without Repentance. Which

exitioſa, quæ veniam non capiant, Homicidium, Idololatria, Fraus, Negatio, Blaſphemia, utique & Mœchia & Fornicatio, & ſi qua alia violatio, templi Dei. [*q*] Tertul. cont. Marcion. Lib. 4. cap. 9. Septem maculis Capitalium delictorum, Idololatria, Blaſphemia, Homicidio, Adulterio, Stupro, Falſo teſtimonio, Fraude. [*r*] Ap. Cypr. Ep. 26. al. 31. p. 63. Grande Delictum. Ingens & ſupra omnia Peccatum.

[*s*] Cypr. Ep. 10. al. 16. p. 36. Summum Delictum eſſe quod Perſecutio committi coegit, ſciunt ipſi etiam qui commiſerunt, cum dixerit Dominus, qui blaſphemaverit Spiritum Sanctum, non habebit Remiſſam, ſed reus eſt æterni peccati.

Which is the Notion that moſt of the Ancients had of the Sin againſt the Holy Ghoſt, (to note this by the way) not that it was abſolutely unpardonable [*], but that Men were to be puniſhed for it both in this World and the next, unleſs they truly repented of it. Again, *Cyprian* ſpeaking of Idolatry in thoſe that lapſed in Perſecution, he [t] diſtinguiſhes it by the Title of the moſt heinous and extreme Offence. And ſpeaking alſo of Adultery, Fraud and Murder, he calls them [u] Mortal Sins, by way of Diſtinction from thoſe of a lower Kind. So *Origen* calls ſome great and mortal Sins, ſuch as Blaſphemy, for which the Church [x] very rarely allowed Men to do Penance above once: But there are other common Sins of daily Incurſion, ſuch as evil Words, and other Corruptions of good Manners, which admit of frequent Repentance, and are redeemed continually without Intermiſſion. Where he plainly ſhews, That the Repentance which the Church allowed but once for great Sins, means publick Penance in the Church: But leſſer and common Offences were atoned for another way, and as often as they were committed, by a daily Repentance. In another [y] Place, he reckons

[*] *See* Chap. VII. n. 3. [t] Cypr. Ep. 11. al. 15. ad Martyr. p. 34. Graviſſimum atque extremum delictum.

[u] Cypr. de Patient. p. 216. Adulterium, Fraus, Homicidium mortale crimen eſt. [x] Orig. Hom. 15. in Levit. Tom. 1. p. 174. Si nos aliqua culpa Moralis invenerit, quæ non in Crimine Mortali, non in Blaſphemia fidei, ſed vel in Sermonibus, vel in Morum vitio — hujuſmodi culpa ſemper reparari poteſt. In gravioribus enim culpis ſemel tantum vel raro Pœnitentiæ conceditur locus: Iſta vero Communia, quæ frequenter incurrimus, ſemper Pœnitentiam recipiunt, & ſine intermiſſione redimuntur. [y] Id. Tract. 6 in Mat. p. 60. Nec enim exiſtimo cito aliquem inveniri in Eccleſia, qui non jam ter in eadem culpa argutus ſit, utputa in Detractione, qua

up leſſer Sins, to which all are more or leſs ſubject, ſuch as Detraction and mutual Defamation of one another, Self-conceit, Banquetting, Lying, idle Words, and ſuch other light Faults, as are frequently found in Men who have made a good Proficiency in the Church. Theſe therefore could not be the Sins which ordinarily ſubjected Men to Excommunication, unleſs we could ſuppoſe all Men liable to ſo ſevere a Cenſure. But there were other Crimes, which he calls great Sins, and Sins unto Death; ſuch as Adultery, Murder, Effeminacy and Defilement with Mankind, which whoever committed, he was to be treated as an Heathen Man or a Publican. St. *Ambroſe* makes the ſame Diſtinction of Sins: As there is but one Baptiſm, ſo there is but one publick [z] Penance; for we are to do Penance for the Sins we commit every Day: But this laſt Penance is for ſmall Sins; and the former for great ones. And ſo *Proſper*, or *Julianus Pomerius* under his Name [a] ſays, There are ſome Sins ſo ſmall, that we cannot perfectly avoid them, and for the Expiation of theſe we cry daily to GOD, and ſay, *Forgive us our Treſpaſſes, as we forgive them that treſpaſs againſt us:* But there are other Sins which ought more carefully to be avoided, becauſe when Men are publickly convicted

qua invicem homines detrahunt proximis ſuis, aut Inflatione, aut in Epulatione, aut in Verbo mendacii vel ocioſo, aut in tali aliqua culpa levi, quæ etiam in illis qui videntur proficere in Eccleſia, frequenter inveniuntur.

[z] Ambr. de Pœnit. Lib. 2. cap. 10. Sicut unum Baptiſma, ita una Pœnitentia, quæ tamen publice agitur. Nam quotidiani nos debet pœnitere peccati: Sed hæc delictorum leviorum, illa graviorum. [a] Proſper. de Vit. Contemplat. Lib. 2. cap. 7. Exceptis peccatis, quæ tam parva ſunt ut caveri non poſſint, pro quibus expiandis cotidie clamamus ad Deum, & dicimus, Dimitte, &c. illa crimina caveantur, quæ publicata ſuos autores humano faciunt damnari judicio.

victed of them, they make them liable to be puniſhed by human Judgment: Meaning, that ſuch Capital Offences were the Crimes which ſubjected Men to Excommunication, and not thoſe leſſer Faults, which were only Matter of daily Repentance. *Caſſian* obſerves Seven Kinds of human Failings, which he diſtinguiſhes from mortal Sins: Saying [*b*], It is one thing to commit mortal Sin, and another to be overtaken with an evil Thought, or to offend by Ignorance, or Forgetfulneſs, or an idle Word, which eaſily ſlips from us, or by a ſhort Heſitation in ſome Point of Faith, or the ſubtle Ticklings of Vain-glory, or by Neceſſity of Nature to fall ſhort of Perfection. For theſe Seven Ways an holy Man is liable to fall; and yet he does not ceaſe to be righteous: And though they ſeem to be but ſmall Sins, yet they are enough to prove that he cannot be without Sin: For he has upon this account need of a daily Repentance, and is obliged in Truth without any Diſſimulation to ask Pardon, and pray continually for his Sins, ſaying, *Forgive us our Treſpaſſes. Gregory Nyſſen* has a Canonical Epiſtle concerning Diſcipline, wherein, as *Du Pin* obſerves, he makes an exact Enumeration of thoſe Sins which ſubjected Men to publick Penance, which are all enormous Sins and conſiderable Crimes, ſuch as Idolatry, Apoſtacy, Divination, Murder, Adultery, Theft and Sacrilege. From all which it is very evident, that by the ancient Rules no Crimes were to be puniſhed with Excommunication, but thoſe that were of the higheſt Nature, which they called Mortal Sins; nor yet all remote

[*b*] Caſſian. Collat. 22. cap. 13. Aliud eſt admittere Mortale peccatum, & aliud eſt cogitatione quæ peccato non caret præveniri, vel Ignorantiæ aut Oblivionis errore, aut facilitate ocioſi Sermonis offendere, &c.

Violations of the Moral Law, but only the more immediate, direct and profeſs'd Tranſgreſſions of it. Of the Species and Effects of Anger, as *Gregory Nyſſen* [†] obſerves, they inflicted Canonical, and publick Penance upon Murder; but not upon all the inferior Degrees of it, ſuch as Stripes, and Evil-ſpeaking, or other Effects of Anger, which are prohibited in Scripture, and bring Men in Danger of eternal Death. So of all the Degrees of Covetouſneſs, which are very many and heinous, they puniſhed none with Excommunication but only notorious Oppreſſion, and Theft, and Robbing of Graves, and Sacrilege, and the like. So that when they ſometimes call Sins of this middle Rank, light and venial Sins, in Contradiſtinction to thoſe they termed mortal, they do not mean what now the Vulgar Caſuiſts of the *Romiſh* Church mean by Venial Sins, but only that they were not of the Number of thoſe Capital Crimes, for which the Church ſubjected Men to Excommunication, and enjoined them publick Repentance. Which the Learned Reader may find not only accurately demonſtrated by Mr. *Daille* [*c*], but ingenuouſly confeſſed by *Du Pin* [*d*], and alſo *Petavius* [*e*] before him. *Daille* tranſcribes *Petavius*'s Words, and I ſhall here tranſcribe thoſe of *Du Pin*: "I would not have it "thought, ſays he, that I make theſe Remarks to "authorize Licentiouſneſs, or to inſinuate, that "there are ſome Mortal Sins, that may paſs for "Venial: GOD forbid, that I ſhould have ſo de-"teſtable a Deſign! On the contrary, my Inten-"tion is to create an Horror of all Sins; Firſt of "great Crimes: Secondly, of Sins which may be "Mortal,

[†] Nyſſen. Ep. ad Letoium. [*c*] Dallæ. de Confeſſ. Auricular. Lib. 4. cap. 20. [*d*] Du Pin. Cent. 4. p. 219. [*e*] Petav. Not. in Epiphan. p. 238.

" Mortal, though they appear not ſo enormous:
" And Thirdly, even of ſlighter Sins alſo. But I
" thought myſelf obliged to obſerve here, for ex-
" plaining a Paſſage in St. *Ambroſe*, That none but
" the Sins of the firſt Claſs did ſubject Men to
" publick Penance, and that 'tis of theſe only the
" Fathers ſpeak, and which they comprehend under
" the Name of enormous Sins and Crimes; though
" there be others which may be alſo Mortal, and
" which a Chriſtian ought carefully to ſhun; but
" then they are ſuch for which he was never
" ſubjected to the Humiliation of a publick Pe-
" nance, but only to Corrections and Reprimands
" given in ſecret, as St. *Auſtin* informs us." Theſe Obſervations are very juſt: For it is certain, the Fathers ſpeak againſt all Sins, even thoſe of the loweſt Rank, as dangerous and Mortal, if neglected and wilfully indulged, and not carefully oppoſed by ſtriving againſt them, and Waſhing away the Guilt by daily Repentance: According to what we have heard St. *Auſtin* ſay [†] before, That a Multitude of leſſer Sins overwhelm and kill the Soul, if they be neglected; as a ſmall Leak in a Ship, if it be not carefully ſtopped or drained, will ſink it, as well as a bigger Wave: Which Compariſon [*f*] he uſes in many Places. And the Reader that pleaſes, may find the ſame Caution given againſt leſſer Sins, as Mortal in their own Nature, if neglected and indulged, by *Nazianzen* [*g*], *Baſil* [*h*], *Jerom* [*i*], *Gregory the Great* [*k*] and many others, who ſay,

[†] Aug. Tract. 12. in Joan. p. 47. [*f*] Vid. Aug Tract. 1. in 1 Joan. p. 237. Serm. 3. in Pſal. 118. p. 545. De Civ. Dei. Lib. 21. cap. 27. Ep. 108. Hom. ult. ex 50. [*g*] Naz. Orat. 31. p. 504. [*h*] Baſil. Regula. Brev. 4. [*i*] Hieron. Ep. 14. [*k*] Greg. Lib. 2. in cap. 1. Reg. Hom. 2. in Ezek. Gennad. de Eccl. Dogm. cap. 53.

There is no Sin ſo ſmall, but that in Rigor of Juſtice it would prove Mortal, if GOD would enter into Judgment with us, and be extreme to mark what is done amiſs againſt his Law, and eſpecially in Contempt of it. But to return to the Buſineſs in Hand.

Sect. 15. *Excommunication not inflicted for temporal Cauſes.*

As it was a general Rule, not to uſe Excommunication for ſlight Offences, ſo we may obſerve, it was no Rule to uſe this Weapon, as in after Ages, for mere pecuniary Matters and temporal Cauſes. It has frequently been complained of by Learned Men, both of the Proteſtant and Roman Communion, that this is a great Abuſe [*l*] of Excommunication, that it is often iſſued forth for the Diſcovery of Theft, or the Manifeſtation of ſecret Actions. Of which there are divers Inſtances in the *Decretals*; and Approbation is given to them by the Council of *Trent* [*m*], only reſerving ſuch Caſes as a ſpecial Privilege to the Biſhop; who is to give a Premonition to he knows not whom, and condemn a pretended Criminal without Hearing, contrary to all the Rules aforeſaid in the Primitive Church, which allowed no Excommunication in a ſlight Cauſe, nor in any Cauſe without ſufficient Evidence, and allowing the Criminal to ſpeak for himſelf. So again, as *Du Moulin* obſerves [*n*] out of Cardinal *Tolet*, in the *Romiſh* Church they

[*l*] Taylor. Duct. Dubit. Lib. 3. cap. 4 p. 617. Du Moulin. *Buckler of Faith.* p. 369. Gentillet. Examen Conc. Trid. p. 300. Gerſon. in Biſhop Taylor. ibid. [*m*] Conc. Trid. Seſs. 25. de Reformat. cap. 3. Excommunicationes illæ, quæ Monitionibus præmiſſis, ad finem revelationis, ut aiunt, aut pro deperditis ſeu ſubtractis rebus ferri ſolent, a nemine prorſus præterquam ab Epiſcopo decernantur. [*n*] Du Moulin. ibid. ex Tolet. Inſtruct. Sacerdot. cap. 8.

they excommunicate Men for Future Time, and before any Crime is committed, and that for ſecuring only the Stocks or Trees of the Lord of a Town or Village from Spoil, although no Man has laid Hand upon them. At the Requeſt of a Creditor they excommunicate a Debtor, if he pay not within a certain Term, and his inſufficiency to pay is the only Remedy in the utmoſt Extremity which the Law of the *Decretals* [o] allows him from ſo ſevere a Cenſure. But that which is chiefly complained of by their own Learned *Gerſon* in this Matter, is the Abuſe of Excommunication in the pecuniary Concerns of Eccleſiaſtical Courts themſelves. Biſhop *Taylor* has alledged [p] him in theſe Words: "Not every Contumacy againſt the "Orders of Courts Eccleſiaſtical is to be puniſhed "with this Death. If it be in Matters of Faith "or Manners, then the Caſe is competent: But "when it is a Queſtion of Money and Fees, be-"ſides that the Caſe is full of Envy and Reproach, "apt for Scandal, and to bring Contempt upon the "Church, the Church has no direct Power in it; "and if it have by the Aid of the Civil Power, "then for that a Civil Coercion muſt be uſed. "It is certainly unlawful to excommunicate any "Man for not paying the Fees of Courts: For a "Contumacy there is an Offence againſt the Civil "Power, and he hath a Sword of his own to "avenge that. But Excommunication is a Sword "to avenge the Contumacy of them who ſtub-"bornly offend againſt the Diſcipline of the "Church, in that wherein CHRIST hath given "her Authority, and that is in the Matters of "Salvation and Damnation immediate, in ſuch Things

[o] Decretal. Gregor. Lib. 3. Tit. 23. de Solution. cap. 3.
[p] Gerſon. de Vita Spirituali. Lect. 4. Corol. 7.

" Things where there is no ſecular Intereſt, where " there can be no Diſpute, where the Offender " does not ſin by Conſequence and Interpretation, " but directly and without Excuſe. But let it be " conſidered how great a Reproach it is to Eccle- " ſiaſtical Diſcipline, if it be made to miniſter to " the Covetouſneſs, or to the Needs of Proctors " and Advocates: And if the Church ſhall puniſh " more cruelly than Civil Courts for equal Offences, " and becauſe ſhe hath but one Thing to ſtrike " withall, if ſhe upon all Occaſions ſmites with " her Sword, it will either kill too many, or hurt " and affright none at all". Whatever Force there is in theſe Arguments, or however they may affect the *Romiſh* Church for this apparent Corruption of Diſcipline, they do not in the leaſt affect the Primitive Church, which was conſcious of no ſuch Practice, but forbad all Excommunication for light Offences, among which pecuniary Matters muſt be reckoned. 'Tis true, Biſhops ſometimes ſat Judges in Civil Cauſes, and their Determinations in ſuch Caſes were peremptory and final: But then their Coercive Power in ſuch Judicatures was not Excommunication, but Civil Puniſhments borrowed from the State, and which the State obliged itſelf to ſee duly put in Execution; of which I have given an ample Account [*] heretofore, and ſhewed it to be a very different Thing from Excommunication, or any Kind of Eccleſiaſtical Cenſure.

Sect. 16.
No Biſhop allowed to uſe it to avenge any private Injury done to himſelf.

I OBSERVE farther, as very remarkable in this Matter, That no Biſhop was allowed to excommunicate any Man for any private Injury done to himſelf. For though this might be a great Crime, yet it

[*] Book II. Chap. vii.

it looked like avenging himſelf, and therefore it was thought unbecoming his Character to right himſelf by Excommunication, but either he was to bear the Injury patiently, or commit his Cauſe to the Judgment of others. Upon this Account *Cyprian* diſtinguiſhes between Injuries done to himſelf in his perſonal and private Capacity, and Injuries done to the Detriment of the Brethren or whole Body of the Church. I can bear and paſs over [q] any Affront, that is put upon my Epiſcopal Character, as I have always done, when it only concerned my own Perſon: But now there is no longer room for Forbearance, when many of our Brethren are deceived by ſome of you, who whilſt they would more plauſibly recommend themſelves to the Lapſers by an unreaſonable and haſty reſtoring them to the Peace of the Church, do more really prejudice their Salvation. Here he plainly diſtinguiſhes between perſonal Injuries, which he could bear without any great Reſentment or Thoughts of puniſhing: But thoſe that were of a more publick Nature, and not only Affronts to his Authority, but prejudicial to the People, thoſe he threatens to animadvert upon according to their deſerving. We find a like Diſtinction made by *Gregory the Great*, who writing to a certain Biſhop, who had excommunicated a Man for a private Injury done to himſelf, he thus reproves him for it: You ſhew [r] that you think nothing of heavenly Things,

[q] Cypr. Ep. 10. al. 16. ad Cler. p. 36. Contumeliam Epiſcopatus noſtri diſſimulare & ferre poſſum, ſicut diſſimulavi ſemper & pertuli: Sed diſſimulandi nunc locus non eſt, quando decipiatur Fraternitas noſtra a quibuſdam veſtrum, qui dum ſine ratione reſtituendæ ſalutis plauſibiles eſſe cupiunt, magis Lapſis obſunt. [r] Greg. Lib. 2. Ep. 34. Nihil te oſtendis de cæleſtibus cogitare, ſed terrenam te converſationem

Things, whilſt you inflict the Curſe of *Anathema* or Excommunication for the avenging a private Injury done to yourſelf, which the holy Canons forbid. Therefore be circumſpect and cautious for the Future, and preſume not to do any ſuch Thing to any Man in defence of your own private Injuries. Otherwiſe you may expect to feel the Cenſures of the Church for your Preſumption. That there were ancient Canons to this Purpoſe in the Time of *Gregory*, cannot be doubted from his Teſtimony, though I know of none at Preſent that ſpeak directly to this particular Caſe: Only in general the Council of *Sardica* [*s*] forbids Biſhops to excommunicate any one in Paſſion or haſty Anger, and allows the injured Perſon to appeal to the Provincial Synod, or the neighbouring Biſhops for Redreſs in all ſuch Caſes.

Sect. 17. *No Man to be excommunicated for Sins only in Deſign and Intention.*

IT is alſo worth nothing, that the Church inflicted the ſevere Cenſures of Excommunication upon Men only for Overt-Acts, and not for Sins in bare Deſign and Intention: Becauſe though theſe might be great Sins before GOD, as our SAVIOUR ſays, *He that looks on a Woman to luſt after her, hath committed Adultery with her already in his Heart*; yet the Church was no proper Judge of the Heart, and therefore ſhe did not ordinarily puniſh ſuch Sins, till they made ſome viſible Appearance in the outward

tionem habere ſignificas; dum pro vindicta propriæ injuriæ (quod ſacris Regulis prohibetur) maledictionem Anathematis invexiſti. Unde de cetero omnino eſto circumſpectus atque ſollicitus, & talia cuiquam pro defenſione propriæ injuriæ tuæ inferre denuo non præſumas. Nam ſi tale aliquid feceris, in te ſcias poſtea vindicandum. Vid. Gratian. Cauſ. 23. Quæſt. 4. cap. 27. [*s*] Conc. Sardic. can. 14. in Latin. Edit. 17.

outward Action. This ſeems to be the meaning of that Canon of the Council of *Neocæſarea* [*t*], which ſays, "If a Man purpoſe in his Heart to "commit Fornication with a Woman, but his Luſt "proceed not into Action, it is apparent he is "delivered by Grace". That is, he Sins before GOD for his wicked Deſign, but the Church inflicts not Excommunication upon him, becauſe his Intention proceeds not to any outward Act of Uncleanneſs. So *Zonaras* [*u*] interprets it among the Ancients, and *Oſiander* among the Modern [*x*] Interpreters. Though ſome think that ſuch Intentions, if diſcovered by any Overt-Acts, might bring a Man under Eccleſiaſtical Cenſure.

Sect. 18. *Nor for Forced or Involuntary Actions.*

THE Caſe is more clear as to all forced and involuntary Actions, where the Will was no way conſenting to them. For as they were free from Sin, ſo they were from Puniſhment. There were ſome indeed, who out of an over-abundant Zeal and ignorant Pretence of Purity, were for excluding Men from Communion for ſuch Things, which were more to be reckoned their Misfortunes than their Crimes: But the Council of *Ancyra* prudently corrected this erroneous Zeal by a Canon [*y*] to this Purpoſe: That Communion ſhould not be deny'd to thoſe who fled, but were apprehended, or betrayed by their Servants, and ſuffered Loſs of their Eſtates, or Torture, or Impriſonment, declaring all the while that they were Chriſtians; though they were held, and by Violence the Incenſe was put

[*t*] Conc. Neocæſar. can. 4. [*u*] Zonar. in Can. 32. Baſil.
[*x*] Oſiand. in Can. 4. Neocæſ. edit. Witeberg. 1614. Hoc videtur velle hic Canon, eum non cadere ſub pœnam aliquam Diſciplinæ Eccleſiaſticæ, &c. [*y*] Conc. Ancyr. can. 3.

put into their Hands, and they were forced to receive Meat offered to Idols into their Mouths, declaring themſelves all the Time to be Chriſtians, and ſhewing by their Behaviour and Habit, and humble Courſe of Life, that they were ſorry for that which happened; theſe being without Sin, are not to be debarred from Communion. Or if by the ſuper-abundant Caution or Ignorance of any, they have been debarred, let them forthwith be received into Communion again. And the like is determined in the Caſe of Women, that ſuffer Raviſhment againſt their Wills, by *Gregory Thaumaturgus* [z], and St. *Baſil* [a]. And ſo by *Dionyſius* of *Alexandria* [b] and *Athanaſius* [c] and others, for any involuntary Defilement whatſoever. Theſe were the general Meaſures obſerved by the Ancients, to diſtinguiſh great and ſmall Offences, or Innocence from Sin, in order to ſhew what might or might not bring Men under the Cenſure of Excommunication. But becauſe it will contribute much toward the more exact underſtanding of the ancient Diſcipline, to know more particularly the ſeveral Sorts of thoſe greater Crimes for which Men were ſubjected to the higheſt Cenſures, I will now proceed to make a more diſtinct Enquiry into the Nature, and Kinds, and Degrees of thoſe high Miſdemeanors in the following Chapters.

[z] Greg. Thaum. can. 1. [a] Baſil. can. 49. [b] Dionyſ. can. 4. [c] Athan. Ep. ad Ammum. ap. Bevereg. Pandect. T. 2. p. 36.

CHAP.

CHAP. IV.

A Particular Account of thoſe called great Crimes, the Principal of which was Idolatry. Of its ſeveral Species, and Degrees of Puniſhment allotted to them according to the Proportion and Quality of the Offences.

Sect. 1.
The Miſtake of ſome about the Number of great Crimes, in confining them to Idolatry, Adultery and Murder.

LEARNED Men are not well agreed about the Number of thoſe which the Ancients called great Crimes, with Reference to the Eccleſiaſtical Puniſhment, nor about the Reaſon and Foundation of that Title. There were ſome in St. *Auſtin*'s Time, who were for confining great Crimes, for which Excommunication was to be inflicted, to three only, Adultery, Idolatry and Murder: Theſe they allowed to be mortal Sins, and made no doubt but that they were to be puniſhed [*a*] with Excommunication, till they were cured by the Humiliation of publick Penance; but for all others they ſaid Compenſation might eaſily be made by giving of Alms. This St. *Auſtin* labours to confute, not only in the Place alledged, but in ſeveral others [*b*], by which it is evident, That theſe were not the only great Crimes, that were puniſhed with Excommunication. And therefore thoſe Modern Authors make a wrong Repreſentation of the ancient Diſ-

[*a*] Aug. de Fide & Oper. cap 19. Qui autem opinantur & cætera Eleemoſynis facile compenſari, tria tamen Mortifera eſſe non dubitent Excommunicatione punienda, donec Pœnitentia humiliore ſanentur, Impudicitiam, Idololatriam, Homicidium. [*b*] Vid. Aug. Hom. ult. ex 50. De Civ. Dei. Lib. 21. cap. 27.

Diſcipline, who confine it to thoſe Three great Crimes, or to ſuch as may be reduced to them: Since it is apparent from what is now ſaid, that it extended much farther; and, as I ſhall preſently ſhew, included all the great Crimes againſt the whole *Decalogue*, or Tranſgreſſions of the Moral Law in every Inſtance.

Sect. 2. *The Account given of great Crimes in the* Civil Law, *extended much farther.*

AND it is very obſervable, That even in the *Civil Law*, the Account that is given of great Crimes, extended much farther. For when the Emperors, according to Cuſtom, at the *Eaſter* Feſtival, granted a general Releaſe and Indulgence to ſuch as were impriſoned for their Miſdemeanours, they ſtill excepted ſeveral other heinous Crimes, ſpecified in their Laws, ſome Five, ſome Six, ſome Eight, ſome Ten, which cannot be reduced to the Three Crimes of Idolatry, Adultery and Murder. The Laws of *Valentinian* and *Gratian* [*c*] except Seven Capital Crimes from any Benefit of ſuch Indulgence, *viz.* Sacrilege, Treaſon, Robbing of Graves, Necromancy, Adultery, Raviſhment and Murder. The Laws of *Theodoſius the Great* except Eight Capital Crimes, Treaſon, Parricide, Murder, Adultery, Raviſhment, Inceſt, Necromancy, and Counterfeiting [*d*] of the Imperial Coin. And thoſe of *Valentinian Junior*, except Ten; Sacrilege, Adultery [*e*], Inceſt, Raviſhment, Robbing of Graves, Charms, Necromancy, Counterfeiting the Coin, Murder and Treaſon.

[*c*] Cod. Theod. Lib. 9. Tit. 38. De Indulgentiis Criminum Leg. 3. Ob diem Paſchæ, quem intimo corde celebramus, omnibus quos reatus adſtringit, Carcer incluſit, clauſtro diſſolvimus. Attamen Sacrilegus, in Majeſtate reus, in mortuos, Veneficus ſive Maleficus, Adulter, Raptor, Homicida communione iſtius muneris ſeparentur. It. Leg. 4. ibid.

[*d*] Ibid. Leg. 6. [*e*] Ibid. Leg. 7, & 8.

Treaſon. Now when the *Civil Law* excepted ſo many great Crimes, under the Name of *Atrocia Delicta*, from the Benefit of theſe Indulgences, it is not probable (were there no other Argument to perſuade it) that the *Eccleſiaſtical Law* would let any of thoſe heinous Offences go unpuniſhed, or wholly eſcape the Severity of Church Cenſure.

Sect. 3. *And in the* Eccleſiaſtical Law, *the Account of great Crimes extended to the whole* Decalogue.

BUT we have clearer and more certain Evidence in the Caſe. For firſt St. *Auſtin* ſays, The great Crimes, which were puniſhed with publick Penance, were ſuch as were againſt the whole *Decalogue* or Ten Commandments [*f*], of which the Apoſtle ſays, *They which do ſuch Things, ſhall not inherit the Kingdom of God.* Only, as Mr. *Daille* [*g*] rightly obſerves, we muſt interpret this of Capital Crimes directly and expreſsly forbidden in the Law, not of all remote Branches or lower Degrees of Sin, that may any way whatſoever be reduced to the principal Crime, or indirectly come under the Prohibition. For otherwiſe it would not be true, That all Sins forbidden in the *Decalogue*, brought Men under publick Penance, ſince there are ſome Tranſgreſſions only conceived in the Heart, and never compleated in outward Action [*h*], which though they might be great Breaches of the Law, yet they could not come under publick Cenſure, but were to be cured by private Repentance.

[*f*] Aug. Hom. ult. ex 50. cap. 3. T. 10. p. 205. Tertia actio eſt Pœnitentiæ, quæ pro illis peccatis ſubeunda eſt, quæ legis Decalogus continet: Et de quibus Apoſtolus ait, Qui talia agunt, regnum Dei non poſſidebunt. [*g*] Dallæus de Confeſſ. Auricular. Lib. 4. cap. 20. p. 431. [*h*] Vid. Aug. Hom. 44. de Verb. Dom. c. 5.

Sect. 4. *A particular Enumeration of the great Crimes againſt the 1ſt and 2d Commandments. Of Idolatry, and the ſeveral Species and Branches of it.*

SUPPOSING therefore, that there were many great Crimes againſt every Precept of the Moral Law, which might bring Men under Eccleſiaſtical Cenſure, and publick Penance, we will now proceed in the Order of the *Decalogue*, to conſider the Nature, and Kinds, and Puniſhment of them. The great Crimes againſt the firſt and ſecond Commandments (which were commonly joined together) were comprized under the general Names of Apoſtacy and Irreligion; which comprehended the ſeveral Species of Idolatry; blaſpheming and denying CHRIST in Time of Perſecution; uſing the wicked Arts of Divination, Magick and Inchantments; and diſhonouring GOD by Sacrilege and Simony; by Hereſy and Schiſm; and other ſuch Prophanations and Abuſes, Corruptions and Contempts of his true Religion and Service. All theſe were juſtly reputed great Crimes, and ordinarily puniſhed with the ſevereſt Eccleſiaſtical Cenſures.

Sect. 5. *Of the* Sacrificati *and* Thurificati, *or ſuch as fell into Idolatry by offering Incenſe to Idols, and partaking of the Sacrifices.*

OF Idolaters there were ſeveral Sorts: Some went openly to the Temples, and there offered Incenſe to the Idols, and were Partakers of the Sacrifices. Theſe were diſtinguiſhed by the Name of *Sacrificati* and *Thurificati*, as we find them often ſtiled in *Cyprian* [*i*], who ſpeaks of them as defiling both their Hands and Mouths by the ſacrilegious touch: Meaning their Hands by offering Incenſe, and their Mouths by

[*i*] Cypr. Ep. 15. al. 20. ad Cler. Rom. p. 43. Qui ſacrilegis contactibus manus ſuas atque ora maculaſſent. It. Ep. 55. al. 52. ad Antonian. p. 108. Placuit ſacrificatis in exitu ſubveniri, quia Exomologeſis apud Inferos non eſt.

by eating of the Sacrifices. And of theſe alſo there were ſeveral Degrees. Some, as ſoon as ever a Perſecution was ſet on Foot, before they were called upon, or had any Violence offered to them, went voluntarily to the Temples, and offered Sacrifice of their own accord; whilſt others held out a long Time againſt Torture, and only ſacrificed when the utmoſt Neceſſity compelled them. *Cyprian* makes a great Difference [*k*] between theſe two Sorts of Lapſers, as he does alſo between thoſe who went not only themſelves, but compelled their Wives and Children, and Servants, and Friends to go and Sacrifice with them; and thoſe who to deliver their Families and Friends from Danger, went and expoſed themſelves alone; by this Means protecting not only their own Families, but alſo many Chriſtian Brethren and Strangers, that were baniſhed and had fled to take ſhelter in their Houſes, who were as ſo many living Interceſſors to GOD for them. They who did thus, he thinks, were much more excuſable than thoſe who both went voluntrarily, and by their Counſel and Authority compelled many others to go along with them. Whoſe Crimes he therefore elegantly deſcribes and aggravates after this manner [*l*] in his

[*k*] Cypr. ibid. p. 106. Inter ipſos etiam qui ſacrificaverint, & Conditio frequenter & Cauſa diverſa eſt. Neque enim æquandi ſunt, ille qui ad ſacrificium nefandum ſtatim voluntate proſilivit; & qui reluctatus & congreſſus diu ad hoc funeſtum opus neceſſitate pervenit: Ille qui & ſe & omnes ſuos prodidit; & qui ipſe pro cunctis ad diſcrimen accedens, uxorem & liberos & domum totam periculi ſui perfunctione protexit: Ille qui inquilinos vel amicos ſuos ad facinus compulit; & qui inquilinis & colonis pepercit; Fratres etiam plurimos, qui extorres & profugi recedebant, in ſua tecta & Hoſpitia recepit, oſtendens & offerens Domino multas viventes & incolumes animas, quæ pro una ſaucia deprecentur. Vid. Petri Alex. can. 1, 2, 3. [*l*] Cypr. de Lapſis. p. 124.

Book *de Lapſis*: They did not ſtay till they were apprehended, to go to the Capitol, but denied the Faith before any Queſtion was asked them about it. They were conquered before the Fight, and fell without any Engagement. They ran to the *Forum* of their own accord, and made haſte to give themſelves the mortal Wound, as their own voluntary Act, without Compulſion: As if they had deſired this long before, and now only embraced the Opportunity that was given them, which they always wiſhed for. How was it, that when they went ſo readily to the Capitol to do this wicked Act, their Legs did not ſink under them, and their Eyes grow dim, and their Bowels tremble, and their Arms fall down, and their Senſes become ſtupid, and their Tongue faulter, or cleave to the Roof of their Mouth, and their Words fail them? Could the Servant of GOD ſtand there, and ſpeak, and renounce CHRIST, who had before renounced the Devil and the World? Was not that Altar, whither he came to die, more like his Funeral Pile? Ought he not to have abhorred and fled from the Altar of the Devil, as his Coffin or his Grave, when he ſaw it ſmoke and fume with a ſtinking ſmell? To what Purpoſe, thou miſerable Wretch, didſt thou bring thy Oblation, and put thy Sacrifice upon the Altar? Thou thyſelf wert the *Victim*, thou thyſelf the Sacrifice and Burnt-offering. There thou didſt ſacrifice thy Salvation, and burn thy Faith and thy Hope in thoſe abominable Fires. But many were not content with their own Deſtruction; the People provoked one another into Ruin by mutual Calls and Exhortations, and the Cup of Death was handed round by every Man to his Neighbour. And that nothing might be wanting to conſummate the Crime, Parents carried their Children in their Arms, or led them after them,

them, that their little Ones might loſe what they had gained in their firſt Birth. Will not they ſay, when the Day of Judgment comes, We did nothing ourſelves; we did not leave the Bread and Cup of the LORD, to run of our own accord to thoſe prophane Contagions: It was the Treachery of others that deſtroyed us, our Parents were guilty of Parricide toward us. They deprived us of the Priviledge of having the Church for our Mother, and GOD for our Father; that whilſt we were little, and unable to care for ourſelves, and ignorant of ſo great a Wickedneſs, we ſhould be taken and betrayed by other Mens Frauds, being by them made Partners in their Offences. Thus far *Cyprian*, aggravating the Crimes of thoſe who ſhewed ſuch a Forwardneſs to commit Idolatry, and apoſtatize with Greedineſs and Delight.

NOW as theſe were ſome of the higheſt Degrees of Idolatry, ſo the Church put a remarkable Difference between them and others in her Puniſhments, ſetting a more peculiar Mark or Note of Diſtinction upon them in her Cenſures. There are ſeveral Canons in the Council of *Ancyra*, which plainly ſhew this Diſtinction. The fourth Canon orders, "That they who were compelled to go "to an Idol-Temple, if they went with a pleaſing "Air, and in a Feſtival Habit, and took ſhare of "the Feaſt with Unconcernedneſs; that they "ſhould do ſix Years Penance, one as Hearers only, three as Proſtrators, and two as Coſtanders "to hear the Prayers, before they were admitted "to full Communion again. But if they went in "a mourning Habit to the Temple, and wept all "the Time they eat of the Sacrifice, then four "Years Penance ſhould be ſufficient to reſtore them "to Perfection." The eighth Canon orders, "Thoſe who repeated their Crime by Sacrificing

" twice or thrice, to do a longer Penance; " For ſeven Years is appointed to be their Term " of Diſcipline. And by the ninth Canon, If " any not only ſacrificed themſelves, but alſo " compelled their Brethren, or were the Occaſion " of compelling them, then they were to do ten " Years Penance, as guilty of a more heinous " Wickedneſs ", according as we have heard *Cyprian* repreſent it. But if any did neither Sacrifice, nor eat Things offered to Idols, but only their own Meat on an Heathen Feſtival in an Idol-Temple, they were only confined to two Years Penance by the ſeventh Canon of the ſame Council. Theſe Canons chiefly reſpect ſuch as tranſgreſſed after ſome Violence or Force put upon them, by Torture, or Baniſhment, or Impriſonment, or Confiſcation, or the like Neceſſity in any other kind of Trial: But if any voluntarily apoſtatized, and prevaricated without Compulſion, a ſeverer Puniſhment was laid upon them: For by the Rules of the Council of *Nice* [*m*] they were to undergo twelve Years Penance, before they were perfectly reſtored again to full Communion. And the ſame Term is appointed by the ſecond Council of *Arles* [*n*] which refers to the the *Nicene* Canon. The Council of *Valence* in *France* [*o*] goes a little farther, and obliges them to do Penance all their Lives, and allows them Abſolution only at the Hour of Death, which they were to expect more fully from the Hands of GOD only, who alone had the abſolute Power of it, and was infinite in Mercy that no one ſhould deſpair. Agreeable to

[*m*] Conc. Nic. can. 11. [*n*] Conc. Arelat. 2. can. 10.

[*o*] Conc. Valentin. can. 3. Acturi pœnitentiam uſque in diem mortis, non ſine ſpe tamen remiſſionis, quam ab eo plene ſperare debebunt, qui ejus largitatem & ſolus obtinet, & tam diu ei miſericordia eſt, ut nemo deſperet.

to which is that Rule of *Siricius* [p], that Apoſtates ſhould do Penance all their Lives, and be reconciled only at the Hour of Death. The Council of *Eliberis* goes beyond this, and denies ſuch Apoſtates Communion at the very laſt Extremity [q], becauſe this was the great and principal Crime above all others. And ſometimes Adultery and Murder were a ſort of Acceſſories or Concomitants of this Idolatry, as many times it was in the heatheniſh Games and Shews, which were made up of Idolatry, Adultery and Murder: Upon which account this ſame Council has another Canon [r], which orders, "That if any Chriſtian "took upon him the Office of a *Flamen* or *Roman* "Prieſt, and therein offered Sacrifice, doubling and "trebling his Crime by Murder and Adultery, he "ſhould not be received to Communion at the "Hour of Death." Nor need we wonder at this Severity, ſince *Cyprian* aſſures us, That before his Time [s] many of his Predeceſſors in the Province of *Africk* refuſed to grant Communion to Adulterers to the very laſt; and yet they did not divide Communion from their Fellow-Biſhops who practiſed

[p] Siric. Ep. 1. ad Himerium. cap. 3. Apoſtatis, quamdiu vivunt, agenda pœnitentia eſt, & in ultimo fine ſuo reconciliationis gratia tribuenda.

[q] Conc. Eliber. can. 1. Placuit inter eos, qui poſt fidem baptiſmi ſalutaris, adulta ætate, ad templum idololatraturus acceſſerit, & fecerit quod eſt crimen principale, quia eſt ſummum ſcelus, nec in fine eum Communionem accipere. [r] Conc. Eliber. can. 2. Flamines qui poſt fidem Lavacri & Regenerationis Sacrificaverunt; eo quod geminaverint ſcelera, accedente homicidio; vel triplicaverint facinus, cohærente mœchia, placuit eos nec in fine accipere Communionem. [s] Cypr. Ep. 52. al. 55. ad Antonian. p. 110. Et quidem apud Anteceſſores noſtros quidam de Epiſcopis iſtic in Provincia noſtra dandam Pacem Mœchis non putaverunt, & in totum pœnitentiæ locum contra adulteria clauſerunt, non tamen a Co-epiſcoporum ſuorum Collegio receſſerunt, &c.

ciſed otherwiſe. And he ſays farther, concerning voluntary Deſerters and Apoſtates [*t*], who continued in Rebellion all their Lives, and only deſired Penance when ſome Infirmity ſeiz'd them, that they were cut off from all Hopes of Communion and Peace; becauſe it was not Repentance for their Fault, but the Fear of approaching Death that made them deſire a Reconciliation; and they were not worthy to receive that Comfort at their Death, who would not conſider all their Life before that they were liable to die. The firſt Council of *Arles* made a like Decree [*u*], That ſuch as voluntarily apoſtatized, and never after ſued to the Church, nor deſired to do Penance all their Lives till ſome Infirmity ſeized them, ſhould not be received to Communion, unleſs they recovered, and brought forth Fruits worthy of Repentance. Theſe were the Rules by which the ancient Diſcipline was regulated and conducted in Reference to ſuch Idolaters and Apoſtates, as actually defiled themſelves by offering Sacrifice to Idols, whether it were by Force or by Choice; whether they lapſed ſingly, or drew others into the ſame Crime with themſelves; and whether they returned immediately and became Penitents, or continued Apoſtates and Rebels: According to the Difference of which Circumſtances, different Degrees of Puniſhment were laid upon them.

ANOTHER

[*t*] Cypr. ibid. p. 111. Idcirco Pœnitentiam non agentes, nec dolorem delictorum ſuorum toto corde & manifeſta lamentationis ſuæ Profeſſione teſtantes, prohibendos omnino cenſuimus a ſpe Communicationis & Pacis; quia rogare eos non delicti Pœnitentia, ſed mortis urgentis admonitio compellit; nec dignus eſt in morte accipere ſolatium, qui ſe non cogitavit eſſe moriturum. [*u*] Conc. Arelat. 1. can. 23. De his qui apoſtatant, & nunquam ſe ad Eccleſiam repræſentant, nec quidem Pœnitentiam agere quærunt, & poſtea in infirmitate

Sect. 6. *Of the* Libellatici; *wherein their Idolatry conſiſted.*

ANOTHER Sort of thoſe who lapſed into Idolatry, and were charged with Denying their Religion, were called *Libellatici*, from certain Libels or Writings, which they either gave to the Heathen Magiſtrates in private, or received from them, to be excuſed doing Sacrifice in publick. *Baronius* [x] thinks there was but one Sort of theſe *Libellatici*, and that they all expreſsly deny'd CHRIST, either by themſelves or others; but being aſhamed to Sacrifice or deny him in publick, they made a private Renunciation, and for a Bribe got a Libel of Security from the Magiſtrate, to indemnify and ſecure them from being ſought after, or called upon to Sacrifice in publick. But other Learned Men [y] obſerve ſome Diſtinction among them: and indeed there ſeem at leaſt to have been Three Sorts of them. Some expreſsly gave it under their Hands to the Magiſtrate, That they were no Chriſtians, denying their Religion in Word or Writing, as others did in Action; profeſſing they were ready to Sacrifice, if the Magiſtrate ſhould call them to it. *Cyprian* often ſpeaks of theſe, and puts them in the ſame Claſs with thoſe that actually Sacrificed. Let not thoſe flatter themſelves, ſays he [z], as if they were excuſed from doing Penance, who although they did not defile their Hands with the abominable Sacrifices, yet defiled

firmitate arrepti petunt Communionem, placuit eis non dandam Communionem, niſi revaluerint, & egerint dignos fructus Pœnitentiæ. [x] Baron. an. 253. n. 20. [y] Vid. Albaſpin. Obſervat. Lib. 1. cap. 21. Cave Prim. Chriſt. Lib. 3. c. 5. p. 384. Suicer. Theſaur. T. 2. p. 240. [z] Cypr. de Lapſis p. 133. Nec ſibi quo minus agant Pœnitentiam, blandiantur, qui etſi nefandis Sacrificiis manus non contaminaverunt, Libellis tamen conſcientiam polluerunt. Et illa profeſſio denegantis conteſtatio eſt Chriſtiani, quod fuerat, abnuentis; feciſſe ſe dixit, quicquid alius faciendo commiſit.

filed their Conſciences by a Libel. A Chriſtian that profeſſes he denies his Religion, is Witneſs againſt himſelf, that he abjures what he was before; he owns in Words to have done, whatever the other did in real Action. Another Sort did neither abjure, nor ſign any Libel of Abjuration themſelves, but ſent either an Heathen Friend, or a Servant to Sacrifice or Abjure in their Names, and thereby procure them a Libel of Security from the Magiſtrate, as if they had done what the others did for them. And indeed the Church ſo interpreted it, and reckoned theſe no leſs Criminals than the former. The *Roman* Clergy in their Letter to *Cyprian*, condemn them both alike [*a*], ſaying, That this latter Sort, though they were not preſent at the Fact of delivering the Libel to the Magiſtrate, yet they were in Effect preſent by commanding it to be written and preſented. For he that commands a Sin to be done, cannot diſcharge himſelf of the Guilt of it; nor can he be innocent of the Crime, by whoſe Conſent it is publickly read in Court as done, though he was not actually the Doer of it. Seeing the whole Myſtery of Faith is ſummed up in Confeſſing the Name of CHRIST, he that ſeeks by any fallacious Tricks to excuſe himſelf from ſuch Profeſſion, does plainly deny it: And he, that when Edicts and Laws are publiſhed againſt the Goſpel, would be thought to comply with and obſerve them, does in that very Thing obey them, in that he would have the World believe that he does obey them.

So in the Epiſtle of the Roman *Clergy to* Cyprian. Ep. 30. al. 31. p. 57. Seipſos infideles illicita nefariorum Libellorum profeſſione prodiderant, quando non minus quam ſi ad nefarias aras acceſſiſſent, hoc ipſo quod conteſtati fuerant, tenerentur.

[*a*] Ibid. Sententiam tulimus etiam adverſus illos qui accepta feciſſent, licet præſentes cum fierent non affuiſſent, cum præſentiam

them. The Canons of *Peter* Biſhop of *Alexandria* alſo take Notice of this Sort of Libellers, and appoint them their Puniſhment, making this Difference between a Maſter who compelled his Slave to go and Sacrifice for him, and the Slave who went at his Command: The Slave was [*b*] to do one Year's Penance, but the Maſter is enjoyned three Years, becauſe he diſſembled, and becauſe he compelled his Fellow-Servant to Sacrifice: For we are all Servants of the LORD, with whom is no Reſpect of Perſons. Beſides theſe, there was another Sort of Libellers, who finding that the Fury of the Judge was to be taken off by a Bribe, they went to him, and told him plainly, They were Chriſtians, and could not Sacrifice, and therefore deſired him to give them a Libel of Security, for which they would give him a ſuitable Reward. *Cyprian* ſpeaking of this Sort of Libellers, brings them in thus Apologizing for themſelves: I had before [*c*] both read and learnt from the Preaching of the Biſhop, that the Servant of GOD ought not to Sacrifice to Idols, nor to worſhip Images; and therefore that I might not do that which is unlawful (when the Opportunity of getting a Libel offered itſelf, which yet I would not have accepted, had not the Occaſion preſented itſelf) I went to the Magiſtrate, or employed another to go in my Name, and tell him, That I was a Chriſtian, and that it was unlawful for me to Sacrifice,

ſentiam ſuam utique ut ſic ſcriberentur mandando feciſſent. Non eſt enim immunis a ſcelere, qui ut fieret imperavit; nec eſt alienus a crimine, cujus conſenſu, licet non a ſe admiſſum crimen, tamen publice legitur, &c.

[*b*] Petri Can. 6, & 7. [*c*] Cypr. Ep. 52. al. 55. ad Antonian. p. 107. Vid. Celerin. Ep. 21. ibid. p. 46. Etecuſa pro ſe dona numeravit, ne Sacrificaret; ſed tantum aſcendiſſe videtur ad Tria Fata, & inde deſcendiſſe.

crifice, or come near the Altars of the Devils; that therefore I would give him a Reward to excuſe me from doing that which I could not lawfully do. *Cyprian* does not wholly excuſe theſe, but adds, That though their Hands were not polluted with Sacrifice, nor their Mouths with eating Things offered to Idols, yet their Conſcience was defiled: But foraſmuch as they ſeemed rather to ſin out of Ignorance than Maliciouſneſs, he thinks their Caſe a little more favourable than thoſe that Sacrificed; and therefore ſince ſome Difference was made even among thoſe that Sacrificed, he thinks a greater Allowance ſhould be made to theſe, though he does not particularly tell us what Term of Penance was impoſed upon them.

Sect. 7. *Of thoſe who feigned themſelves Mad, to avoid Sacrificing.*

NOT much unlike this Sort of Libellers, were they who counterfeited Madneſs in Times of Perſecution, to get themſelves excuſed by this Means from being queſtioned, or called upon to offer Sacrifice. Some of them would go to the very Altars, and make as if they intended to Sacrifice, or ſubſcribe the Abjuration, but then they evaded the Thing by pretending to fall into a ſort of Epileptick Fit, which inclined the Magiſtrates to excuſe them, and let them eſcape, as *David* by ſuch an Artifice eſcap'd from *Achiſh*, when he intended to kill him. Now this was looked upon as mere Diſſimulation and Colluſion, and only a more artful Way of Denying their Religion: And therefore by the Penitential Rules of *Peter* Biſhop of *Alexandria* [*d*], ſuch, though they neither Sacrificed themſelves, nor ſuborned others to Sacrifice for them, were ſubjected to Penance for Six Months, becauſe they in ſome

[*d*] Pet. Alex. can. 5.

ſome Meaſure deny'd their Religion, and made a ſhew of Countenancing Idolatry both by their Cowardiſe and Diſſimulation.

Sect. 8. *Of Contributers to Idolatry. Of the* Flamines, Munerarij, *and* Coronati. *What they were, and how guilty of Idolatry.*

AND indeed it was not only the bare Commiſſion of Idolatry, that ſubjected Men to Eccleſiaſtical Cenſure; but all Promoters, Encouragers, and Compilers with idolatrous Rites were reputed guilty of Idolatry in ſome Degree, and accordingly proceeded againſt as Betrayers of their Religion. Thus in the Council of *Eliberis* there is a Canon againſt ſuch Chriſtians as took upon them the Office of a *Flamen*, or Heathen Prieſt; Part of whoſe Office was to exhibit the ordinary Games or Shews to the People: And if they did this, though they abſtained from ſacrificing, they were to do Penance all their Lives, as Encouragers of idolatrous Rites, and only [*e*] be admitted to Communion at the Hour of Death, after ſufficient Evidences of a true Repentance. Some Learned Perſons miſtake the Senſe of this Canon, underſtanding the Words, *Munus dare*, as if they meant giving Money to the Judge to excuſe them from ſacrificing: Which would be the ſame Crime as the *Libellers* were guilty of; whereas this Canon ſpeaks not of ſuch Lapſers, but of thoſe who took upon them the Office of a *Flamen*, whoſe Buſineſs among other Things was to give or exhibit, at his own, or elſe at a publick Expence, the *Munera*, that is, the ordinary Games, or Shews and Paſtimes to the People. For theſe were called *Munera*

[*e*] Conc. Eliber. can. 3. Item Flamines, qui non immolaverint; ſed Munus tantum dederint, eo quod ſe a funeſtis abſtinuerunt Sacrificiis, placuit in fine eis præſtari Communionem, acta tamen legitima Pœnitentia.

Munera [*f*], as appears from the Uſe of the Term in the Civil Law: And they that gave them, were thence termed *Munerarij*, The Maſters of the Games, or the Entertainers, who kept Beaſts and Men to fight in the Amphitheatre for the Entertainment of the People, as may be ſeen in *Tertullian* [*g*] and *Seneca*, and *Suetonius* [*h*] and others, who ſpeak according to the Propriety of the *Latin* Tongue. Now becauſe theſe Games were held chiefly on the Heathen Feſtivals, and in Honour of their Gods, and were full of idolatrous Rites, as well as Cruelty and Impurity, a Chriſtian could not exhibit them to the People, without incurring the Crime of Idolatry, at leaſt indirectly by promoting and encouraging the Practice of it. And for that Reaſon this Canon is ſo ſevere againſt thoſe who furniſh'd out theſe Shews at their own Expences. A lower Degree of this Crime was, when ſuch a *Flamen* or Prieſt neither offered Sacrifices, nor exhibited the Games at his own Expence, but only wore the Crown [*i*] which was uſual in ſuch Solemnities: Which being a Badge of Idolatry, for that Reaſon by another Canon of that Council two Years Penance, as a moderate Puniſhment in Compariſon of the former, is impoſed upon them that were ſo far concerned in it. But it may be noted that *Tertullian*'s Invective againſt

[*f*] Cod. Theod. Lib. 9. Tit. 18. Leg. 1. Beſtiis primo quoque Munere objiciatur. Vid. Gothofred. in Loc. & Martial. de Spectaculis. Epigram. 6.

[*g*] Tertul. Apol. cap. 44. De veſtris ſemper Munerarij noxiorum greges paſcunt. — [*h*] Sueton. Vit. Domit. cap. 10. Threcem Mirmilloni parem, Munerario imparem.

[*i*] Conc. Eliber. can. 55. Sacerdotes qui tantum Coronam portant, nec ſacrificant, nec de ſuis ſumptibus aliquid ad Idola præſtant, placuit poſt biennium accipere Communionem.

againſt the Soldiers Crown or Garland, in his Book *de Corona Militis*, has no Relation to this Matter: For the wearing of ſuch a Crown ſeems to have had no Concern in Religion, but to be a mere Civil Act done in Honour of the Emperors on ſuch Days as they gave their Largeſſes or Donations to the Soldiers. The Laurel was only an Enſign of Victory, and though it was dedicated to *Apollo*, yet that did not make the Uſe of it unlawful; otherwiſe the Uſe of the four Elements and many other Trees, and Plants, and Animals had all been unlawful, becauſe as St. *Auſtin* [*k*] ſhews, They were dedicated to the Gods alſo. Therefore Learned Men [*l*] cenſure *Tertullian* here, as overſtraining his Argument upon this Point, upon his new Principles of *Montaniſm*, by which he alſo deny'd it to be lawful for a Chriſtian to fly in Time of Perſecution, or to bear Arms in Defence of the Empire [*m*], contrary to his former Judgment in his Apology, where he tells the Emperor that his Army was full of the Diſciples of JESUS, and mentions the famous Undertaking of the thundring Legion with a great *Elogium* and Commendation. So that this new Severity of his, in condemning the Chriſtian Soldiers for wearing a Laurel-Crown, muſt be reckoned among thoſe Peculiarities which he imbibed after he was fled over from the Church to the School of *Montanus*; ſince we no where find Soldiers condemned for this in the Catholick Church, much leſs brought under any Diſcipline or Penance for the Uſe of it.

BUT

[*k*] Aug. Ep. 154. ad Publicolam. [*l*] Vid. Baron. an. 201. n. 16. Du Pin. Biblioth. Vol. I. p. 95. Seller. *Life of* Tertul. p. 221. [*m*] Tertul. de Coron. Mil. cap. 11.

Sect. 9. *How the Office of the* Duumvirate *made Men guilty of Idolatry, and how it was puniſhed.*

BUT there is another Canon in the Council of *Eliberis*, which orders, "That all Chriſtians who "took upon them the City-Ma-"giſtracy or Office, called the "*Duumvirate*, ſhould be deny'd "Communion for the whole Year "in which they held the Office [*n*] as guilty of ſome "Offence againſt Religion." No Crime is mentioned, but Idolatry is underſtood. For the Grounds and Reaſons of this Canon will be eaſily explained and underſtood from the Account that is given of this Office in the Civil Law. Where we learn, that the *Duumviri* were the chief City Magiſtrates, otherwiſe called, *Primates Curiæ*, choſen every Year (for it was but an annual Office;) and it belonged to them, (as it did to the *Flamines*, and the *Pontifices*, or *Sacerdotes Provinciarum*, and the *Prætors*, and the Governors of Provinces, or ordinary Judges) to exhibit the *Spectacula*, or the Games and Shows to the People, as *Gothofred* [*o*] ſhews from various Laws of the *Theodoſian Code* [*p*]. And *Tertullian* not only obſerves the ſame, that the City-Magiſtrates were the Editors of theſe Games; but that the Shews themſelves were founded in Idolatry [*q*] and attended with many idolatrous Ceremonies; which

[*n*] Conc. Eliber. can. 56. Magiſtratum vero uno anno quo agit Duumviratum prohibendum placuit, ut ſe ab Eccleſia cohibeat. [*o*] Gothofred. Paratitlon. ad Cod. Theod. Lib. 15. Tit. 5. de Spectac. [*p*] Vide Cod. Theod. Lib. 12. Tit. 1. de Decurionibus. Leg. 169. Lib. 15. Tit. 5. de Spectaculis Leg. 1. [*q*] Tertul. de Spectac. cap. 11. Proinde Tituli Olympia Jovi, quæ ſunt Romæ Capitolina. Item Herculi Nemæa, Neptuno Iſthmia, ceteri mortuorum varij Agones. Quid ergo mirum, ſi apparatus Agonum Idololatria conſpurcat de coronis profanis, de ſacerdotalibus Præſidibus. &c. It. cap. 12. Hæc Muneris origo — Et

which he makes uſe of as one Argument why a Chriſtian ſhould not frequent them. And for this Reaſon the Council of *Eliberis* orders all Chriſtians, who took upon them the Office of the *Duumviri*, to be kept back from Communion during the Year they went through that Office; becauſe they could not exhibit theſe Shews to the People without encouraging and partaking in that Idolatry which was ſo cloſely annexed to them. *Ludorum celebrationes Deorum Feſta ſunt. Lactant. Lib. 6. c. 20.*

Sect. 10. *How Actors and Stage-players, and Charioteers, and other Gameſters, and Frequenters of the Theatre and* Cirque *were charged with Idolatry, and puniſhed for it.*

AND for the ſame Reaſon all Actors and Stage-Players, and they who drove the Chariots in the publick Games, and Gladiators, and all who had any Concern in the Exerciſe or Management of theſe unlawful Sports, and all Frequenters of them, were obliged either to quit theſe Practices, or be liable to Excommunication ſo long as they continued to follow them; not only becauſe a great deal of Impurity and Cruelty was committed in them, but alſo becauſe they contributed to the Maintenance of Idolatry, which was an Appendage of them. All theſe were comprized in the Pomp and Service of the Devil, which every Chriſtian had renounced at his Baptiſm; and therefore when any one returned to them, he was

—Et licet tranſierit hoc genus Editionis ab honoribus mortuorum ad honores viventium, Quæſturas dico & Magiſtratus & Flaminia & Sacerdotia: cum tamen nominis dignitas Idololatriæ crimine cenſeatur, neceſſe eſt quicquid dignitatis nomine adminiſtratur, communicet etiam maculas ejus, à qua habet cauſas, &c. Vid. Apolog. cap. 38. & de Idololatr. cap. 13.

charged as a Renouncer of his Baptiſmal Covenant, and thereupon diſcarded, as an Apoſtate and Relapſer, from Chriſtian Communion. Thus *Cyprian* being conſulted by *Eucratius* [r], Whether a Stage-Player might communicate, who continued to follow that diſhonourable Trade; he anſwers, That it was neither agreeable to the Majeſty of GOD, nor the Diſcipline of the Goſpel, that the Modeſty and Honour of the Church ſhould be defiled with ſo baſe and infamous a Contagion. The Council of *Eliberis* [s] allows Stage-Players to be baptized only upon Condition that they renounced their Arts, and entirely bid adieu to them: And if after Baptiſm they returned to them again, they were to be caſt out of the Church. The firſt Council of *Arles* [t] has a like Decree, That all publick Actors belonging to the Theatre, ſhall be deny'd Communion, ſo long as they continue to act. And the third Council of *Carthage* [u] ſuppoſes the Sentence of Excommunication to paſs upon all ſuch, when it ſays, That Actors and Stage-Players, and all Apoſtates of that kind, ſhall not be deny'd Pardon and Reconciliation, if they return unto the LORD. This implies, That they were gone aſtray and caſt out of the Church for their

[r] Cypr. Ep. 61. al. 2. ad Eucratium. p. 3. Puto nec Majeſtati Divinæ, nec Evangelicæ Diſciplinæ congruere, ut Pudor & Honor Eccleſiæ tam turpi & infami contagione fœdetur. [s] Conc. Eliber. can. 62. Si Pantomimi credere voluerint, placuit ut prius artibus ſuis renuncient, & tunc demum ſuſcipiantur, ita ut ulterius non revertantur. Quod ſi facere contra interdictum tentaverint, projiciantur ab Eccleſia. [t] Conc. Arelat. 1. can. 5. De Theatricis, & ipſos placuit, quamdiu agunt, à Communione ſeparari. [u] Conc. Carth. 3. can. 35. Ut ſcenicis atque Hiſtrionibus, cæteriſque hujuſmodi Perſonis, vel Apoſtaticis, converſis vel reverſis ad Dominum, Gratia vel Reconciliatio non negetur.

their Crimes, ſince they needed Pardon and Reconciliation, to take off their Cenſure and reſtore them. The firſt Council of *Arles* [x] determines the ſame in the Caſe of thoſe who drove the Chariots in the publick Games, that ſo long as they continued in that Employment, they ſhould be deny'd Communion. *Tertullian* [y] and others ſay expreſsly, That theſe Arts were Part of thoſe Pomps and Worſhip of Satan which Men renounced in Baptiſm. And it appears from a Rule in the *Conſtitutions* [z], That no Charioteer, or Gladiator, or Racer, or Curator of the publick Games, or Practicer in the *Olympick* Games, or Minſtrel, or Harper, or Dancer, was to be admitted to Baptiſm, unleſs they immediately quitted theſe unlawful Callings. And it was no leſs a Crime to frequent the Theatre, and be Spectators of theſe idolatrous Practices, as is noted in the ſame Rule of the *Conſtitutions*. Therefore as an obſtinate Adherence to theſe Things debarred Catechumens from Baptiſm, ſo it likewiſe excluded baptized Perſons or Believers from the Privilege of Communion.

Sect. 11. *Idol-Makers their Crime and Puniſhment.*

ANOTHER Way of contributing to the Practice of Idolatry, was the Art or Trade of making Idols for the Worſhippers of them. Many Chriſtians, who abhorred the Worſhip of Idols themſelves, made no Scruple to make Idols for others, and live by this Calling; which was reputed a very ſcandalous Profeſſion, tending indirectly and conſequentially to the Up-

[x] Conc. Arelat. 1. can. 4. De Agitatoribus, qui Fideles ſunt, placuit eos, quamdiu agitant, à Communione ſeparari.

[y] Tertul. de Spectac. cap. 4. De coron. Mil. cap. 13. Salvian. de Provid. Lib. 6. p. 197. Cyril. Catech. Myſt. 1. n. 4.

[z] Conſtit. Lib. 8. cap. 32.

holding and Promoting of Idolatry. For which Reaſon, no Man profeſſing this Art, could be admitted to Baptiſm, unleſs he promiſed to renounce it, as we learn from the Author of the *Conſtitutions* [*a*]. And what deny'd a Man one Sacrament, would alſo deny him the other. *Tertullian* calls ſuch, Proctors and Purveyors [*b*] for Idolatry; inveighing againſt this and ſome other Trades of the like Nature. When you help, ſays he, to furniſh out the Pomp, the Prieſthood, the Sacrifices of Idols, what can you be called but Procurers for Idols? All heinous Sins, for the greatneſs of the Danger attending them, ought to make us extremely cautious, to keep at a Diſtance not only from them, but from all Things that miniſter to the Practice of them. For though a Crime be committed by others, it is all one, if I am inſtrumental to the Commiſſion of it. By the ſame Reaſon that I am forbidden to do it, I ought to take Care that it be not done by my Aſſiſtance. I muſt not be a neceſſary Aid to another in doing that, which I may not lawfully do myſelf. Upon theſe Grounds he concludes the Trade of making Idols to be unlawful, as well as the Worſhip of them. And ſo did *Clemens Alexandrinus* [*c*], and *Juſtin Martyr* [*d*] before him. *Tertullian* objects it as a great Crime to *Hermogenes* [*e*], That he followed the Trade of Painting Images. But that which is moſt material to our Purpoſe here, is his Obſervation which he makes in his

[*a*] Conſtit. Lib. 8. cap. 32. [*b*] Tertul. de Idol. cap. 11. Certe cum Pompæ, cum Sacerdotia, cum Sacrificia Idolorum inſtruuntur —— quid aliud quam Procurator Idolorum demonſtraris? &c. [*c*] Clem. Protreptic. ad Gentes. p. 54. edit. Oxon. [*d*] Juſtin. Dial. cum Tryph. p. 321.

[*e*] Tertul. cont. Hermog. cap. 1. Pingit licite, nubit aſſidue: Legem Dei in libidinem defendit, in artem contemnit: bis falſarius & cauterio & ſtilo.

his Book of Idolatry [*f*] upon the Puniſhment due to ſuch as made a Livelihood of this unlawful Calling, that any one who followed it, ought not to have Acceſs to the Houſe of GOD. For it was contrary to the Faith which they had profeſſed in Baptiſm. How have [*g*] we renounced the Devil and his Angels, if we ſtill continue to make them? What Divorce have we made from them, with whom we not only continue to live, but live upon them? What Diſagreement is there between us and them, to whom we are obliged for our Maintenance and Livelihood? Can you deny that with your Tongue, which you confeſs with your Hand? Can you deſtroy that in Words, which you raiſe up in your Actions? Preach one GOD, and make ſo many? Preach the true GOD, and make falſe ones? But (ſay you) I only make them, I do not worſhip them. As if the ſame Reaſon which forbids you to worſhip them, did not alſo forbid you to make them. Yea, you worſhip them, in doing that which cauſes them to be worſhipped. And you worſhip them not with the Spirit of any vile *nidor*, or Smell of a Sacrifice, but with your own Spirit: Not with the Life of a Sheep beſtowed on them, but with your own Soul. To them you ſacrifice your own Ingenuity, to them you offer your Labour, to them you burn your Prudence and Underſtanding. You are more than a Prieſt to them, ſince by your Means it is that they have a Prieſt. Your Diligence is their Deity. Do you then deny that you worſhip that, to which you give its very Being and Exiſtence? But they themſelves do not deny it, to whom you offer a fatter, and more coſtly, and greater Sacrifice, even your

[*f*] De Idololat. cap. 5. Hujuſmodi artifices nunquam in domum Dei admitti oportet, ſi quis eam diſciplinam norit.

[*g*] Ibid. cap. 6.

own Salvation. Thus far *Tertullian*, who notwithſtanding ſeems to complain, That there was a great Remiſsneſs in the Exerciſe of Diſcipline upon ſuch Offenders. For he immediately adds, One might declaim all the Day long with a Zeal of Faith upon this Point, and bewail ſuch Chriſtians [*b*] as come ſtraight from their Idols into the Church, from the Shop of the Adverſary into the Houſe of GOD, and there lift up to GOD the Father, thoſe very Hands which are the Mothers or Makers of Idols; adoring GOD in the Church with thoſe Hands, which without Doors are themſelves adored in the Idols which they have made againſt GOD; and taking the Body of the LORD into thoſe Hands, wherewith they have prepared and given Bodies to the Devils. Nor is this all. It were but a ſmall Thing to defile that Body which they receive from the Hands of others, but thoſe very Hands deliver it to others, which have firſt defiled it. For the Makers of Idols are ſometimes choſen into the holy Orders of the Church. O monſtrous Wickedneſs! The *Jews* once laid Hands upon CHRIST, but theſe every Day treat his Body deſpitefully. O Hands that ought to be cut off! If *Tertullian* here does not make too ſevere an Invective, and calumniate the Church, it muſt be owned there was ſome Neglect in the Exerciſe of Diſcipline, to ſuffer ſuch Offenders not only to communicate, but take Orders in the Church, who by the Rules of Diſcipline ought not to communicate in the Chriſtian Body in any Quality whatſoever.

TERTULLIAN

[*b*] Tertul. De Idol. cap. 7.

Sect. 12. *The Idolatry of Building or Adorning Heathen Altars and Temples.*

TERTULLIAN in the ſame Book brings the Charge of Idolatry againſt all other Artificers, who contributed toward the Worſhip of Idols, either by erecting of Altars, or building of Temples, or making of Shrines, or beautifying and adorning the Idols, or any thing belonging to them. For it was the ſame thing [*i*] whether a Man made an Idol, or only adorned it. He that built a Temple, or erected an Altar, to an Idol, or overlaid it with Gold, did rather more toward its Worſhip, than he that made it: For the one only gave it an Effigies, the other gave it Authority; procuring Veneration to be paid to it as a God. Upon this Score all who thus contributed toward the Worſhip of Idols, though they did not actually ſacrifice to them, were ranked in the ſame Claſs with Idolaters, and accordingly ſubjected to the Cenſures of the Church. Which appears from that famous Remonſtrance, which St. *Ambroſe* made to the Emperor [*k*] *Valentinian*, when he was ſolicited by *Symmachus* the Heathen to reſtore the Altar of *Victory* in the Capitol. He told him plainly, That if he did this, no Biſhop would receive him to Communion, but every one couragiouſly repel him, and be ready to give him a good Reaſon for their Oppoſition: They will tell you, ſays he, That the Church deſires not your Gifts, becauſe you have adorned the Temples of the Heathen with your Gifts: The Altar of CHRIST refuſes

[*i*] Tertul. de Idol cap. 8. Nec enim differt, an extruas, vel exornes: Si Templum, ſi Aram, ſi Ædiculam ejus inſtruxeris, ſi bracteam expreſſeris, aut Inſignia, aut etiam domum fabricaveris. Major eſt ejuſmodi opera, quæ non Effigiem confert, ſed Auctoritatem. [*k*] Ambroſ. Ep. 30. ad Valentin. Junior. Ara Chriſti dona tua reſpuit, quia Aram ſimulacris feciſti. *See* Chap. iii. n. 5.

fuſes your Oblations, becauſe you have erected an Altar to the Idol-Gods. The Caſe of *Marcus Arethuſius* is famous in Story, who choſe rather to ſuffer Death under *Julian*, than rebuild a Temple, which he had demoliſhed by Law in the Time of *Conſtantius*, as is related at large by *Gregory Nazianzen* [*l*] and *Sozomen*. And *Theodoret* highly commends *Audas* [*m*] a *Perſian* Biſhop, for that having demoliſhed a *Pyræum* (a Temple where the *Perſians* worſhipped Fire as a God) though he did this without any legal Authority, yet he rather choſe to ſuffer Death than rebuild it; becauſe it was the ſame thing to build a Temple to the Idol, as to worſhip it. And St. *Chryſoſtom* [*n*] ſays, it was a very common thing in the Time of *Julian* to call upon all thoſe who had been concerned in demoliſhing Temples in the preceding Reigns of *Conſtantine* and *Conſtantius*, and proſecute them to Death, becauſe they refuſed to rebuild them.

Sect. 13. *Of Merchants ſelling Frankincenſe to the Idol-Temples, and the Buyers and Sellers of the publick Victims.*

AMONG other Promoters and Encouragers of Idolatry, they reckoned all Merchants ſelling Frankincenſe to the Idol-Temples, and all who made a Trade of Buying and Selling the publick Victims. *Tertullian* ſtyles all theſe *Procuratores Idololatriæ*, Purveyors for Idolary. And he expreſsly ſays of thoſe who bought and ſold the publick Victims [*o*], That no Church would receive them to Baptiſm, without obliging them

[*l*] Naz. Orat. 1. in Julian. p. 90. Sozom. Lib. 5. cap. 9. Theod. Lib. 3. cap. 7. [*m*] Theod. Lib. 5. cap. 38.

[*n*] Chryſ. Hom. 40. in Juventinum & Maximum. Tom. 1. p. 548. [*o*] Tertul. de Idol. cap. 11. Si publicarum victimarum redemptor ad fidem accedat, permittes ei in eo negotio parmanere? Aut ſi jam fidelis id agere ſuſceperit, retinendum in Eccleſia putabis? Non opinor.

them to renounce that unlawful Profeſſion, nor ſuffer them to continue in her Communion, if they were already of the Number of the Faithful. And hence he argues more ſtrongly againſt the *Thurarii*, as he terms thoſe who made a Livelihood of ſelling Frankincenſe to the Temples, which he reckons the worſe of the two. With what Face can the Chriſtian Seller of Frankincenſe [*p*], if he chance to go through a Temple, ſpit at the ſmoaking Altars, and ſhew his Deteſtation of thoſe Idols, for which he himſelf has been the Purveyor? With what Heart or Courage can he pretend to exorcize thoſe Devils, to whom he has been a Foſter-Father, and made his Houſe a Shop to furniſh Materials for their Service? Hence upon the whole Matter he concludes, That no Art, Profeſſion, Buſineſs or Trade could be wholly free from the Imputation of Idolatry, which was inſtrumental and ſubſervient either in making of Idols, or furniſhing out what was neceſſary to the Support of their Worſhip and Service.

Sect. 14. *Of eating Things offered to Idols. How and when it ſtood chargeable with Idolatry.*

THE Caſe of eating Things offered to Idols is reſolved by the Apoſtle. It was never lawful to do it in an Idol-Temple, becauſe that was to partake of the Sacrifice as a Sacrifice, and to communicate with Devils; which was an hardning of the *Gentiles*, and a Scandal to the Church of GOD. The *Nicolaitans* are condemned for this in Scripture, and the Practice of the *Baſilidians* and *Valentinians* [*q*] by Writers of the following Ages. The

[*p*] Ibid. Quo ore Chriſtianus Thurarius, ſi per Templa tranſibit, quo ore fumantes aras deſpuet, & exſufflabit, quibus ipſe proſpexit? Qua conſtantia exorcizabit Alumnos ſuos, quibus domum ſuam Cellariam præſtat? [*q*] Agrippa Caſtor. ap. Euſeb. Lib. 4. cap. 7. Irenæ. Lib. 1. cap. 1.

The Acts of *Lucian* the Martyr [r] tell us, He choſe rather to die with Hunger, than to eat Things offered to Idols, when his Perſecutors would allow him no other Suſtenance in Priſon. And *Baronius* gives another ſuch Inſtance [s] in the People of *Conſtantinople*, who when *Julian* had ordered all the Meat in the Shambles to be polluted with idolatrous Luſtrations, they freely abſtained from it, and uſed boiled Corn inſtead of Bread, ſo defeating the Tyrant's malicious Intention. Not that it had been any Idolatry to have eat ſuch Meats in ſuch a Caſe: For the Apoſtle allows it, where it may be done without either communicating with the Idols, or giving Scandal to the Weak: *Whatſoever is ſold in the Shambles, eat, asking no Queſtion for Conſcience Sake.* And upon this Warrant of the Apoſtle *Theodoret* [t] juſtifies the People of *Antioch* in another ſuch Caſe. For *Julian* made uſe of the ſame deviliſh Stratagem to inſnare them, polluting all the Fountains of *Antioch* and *Daphne*, and all the Meat in the Shambles with his idolatrous Rites, and all the Bread and Fruits of the Earth and Herbs, that the Chriſtians might have nothing to eat, but what was offered in Sacrifice to Idols. Which is alſo noted by *Chryſoſtom* [u] and others, who ſpeak of the diabolical Wiles of *Julian*. But in this Caſe the Chriſtians made no Scruple of eating any Thing, notwithſtanding the Policy of their Adverſary, as knowing that the good Creatures of GOD could not be defiled by any ſuch wicked Contrivances, ſo long as they did not conſent to them, or communicate in them: *For the Earth is the Lord's and the Fulneſs thereof*, and what was

[r] Ap. Baron. an. 311. n. 6.
[t] Theod. Lib. 3. cap. 15. Laudibus Pauli. T. 5. p. 593.
[s] Baron. an. 362. p. 24.
[u] Chryſ. Hom. 4. de

was ſanctified to them by the Word of GOD and Prayer, could not be unſanctified or polluted by any prophane Abuſes.

Sect. 15. *Whether a Chriſtian out of Curioſity might be preſent at an Idol-Sacrifice not joining in the Service.*

BUT where there was any real Communication with Idolatry, or any juſt Ground for a Suſpicion of it, it was at no Hand allowable to give the leaſt Countenance to it, or any Umbrage to ſurmiſe an Approbation of it. For this Reaſon the Council of *Eliberis* forbids any Chriſtian to go to the Capitol [*x*], or Idol-Temple, ſo much as only out of Curioſity to ſee the Sacrifice offered, under the Penalty of ten Years Penance impoſed upon them. *Albaſpiny* [*y*] rightly obſerves, That though there be a little Obſcurity in the Original wording of the Canon, yet it muſt needs intend to prohibit the going to ſee the Sacrifice: For otherwiſe, if they went to Sacrifice, not only a ten Years Penance, but a Penance for their whole Lives was impoſed upon them by the two firſt Canons of this Council. So that the plain Senſe of the Canon muſt be, That if, as an Heathen went to Sacrifice, ſo a Chriſtian went only to ſee the Sacrifice, he ſhould be held guilty of the ſame Crime, and do ten Years Penance for it. Yet this was to be underſtood, if he had no other call but Curioſity to carry him thither: For if by any neceſſary Office or Duty of his Station he went thither, this was no Crime: As if he was of the Prince's Guard, and only went to attend his Sovereign

[*x*] Conc. Eliber. can. 59. Prohibendum ne quis Chriſtianus, ut Gentilis ad idolum Capitolij cauſa ſacrificandi, aſcendat & videat: Quod ſi fecerit, pari crimine teneatur. Si fuerit Fidelis, poſt decem annos, acta pœnitentia recipiatur.

[*y*] Albaſp. in Loc.

Sovereign, he was guiltleſs, becauſe he went not to ſee the Sacrifice, but to do his Duty. Thus *Theodoret* [z] ſays, *Valentinian* when he was a Tribune and Captain of the Guard to *Julian*, attended his Maſter to the Temple of *Fortune*: But when the Door-keepers according to Cuſtom ſprinkled their Luſtral or Holy Water upon thoſe that went in, and a Drop of it fell upon his Coat, he gave the Man a Blow upon the Face, telling him, he did not think himſelf purified but prophaned. And by this Act, ſays *Theodoret*, he merited two Kingdoms, both an earthly and an heavenly. For *Julian* immediately baniſhed him for the Fact, and confined him to a Caſtle in the Deſert: But before a Year and a few Months were paſt, this noble Confeſſor was rewarded with the Imperial Crown and the Dignity of the *Romun* Empire. By this it appears, They put a great Difference between going to a Temple out of mere Impertinency and Curioſity to ſee the idolatrous Rites and Sacrifices, and going thither only upon the neceſſary Obligations of their Duty and Function. And *Tertullian*, who is as ſevere as any in this Matter, owns the Reaſonableneſs of this Diſtinction. It were to be wiſhed, ſays he, that we could live [a] without ſeeing thoſe Things which we cannot lawfully Practice: But becauſe Idolatry has ſo filled the World with Evils, a Man may be preſent in ſome Caſes, where Duty binds him to the Man, and not to the Idol. If I am called to a Prieſthood or to a Sacrifice, I will not go: For that is the proper Office or Service of the Idol: Neither will I contribute by my Counſel, or my Expence, or my Labour

[z] Theod. Lib. 3. cap. 16. Item Sozomen. Lib. 6. cap. 6.
[a] Tertul. de Idol. cap. 16 & 17.

bour to any ſuch Thing. If when I am called to a Sacrifice, I go and aſſiſt, I am Partaker of the Idolatry: But if any other Cauſe joins me to the Sacrificer, I am only a Spectator of the Sacrifice. He applies this particularly to Slaves waiting on their Heathen Maſters, and Children or Clients on their Patrons or Parents, and Officers on Governors and Judges. If we are careful to obſerve this Rule, neither by Word nor Deed to give any Aſſiſtance to the idolatrous Service, we may attend on Magiſtrates and Powers, after the Example of the Patriarchs and others of our Anceſtors, who waited on idolatrous Kings, *uſque ad finem Idololatriæ*, as far as the Confines of Idolatry would permit them. He gives the ſame Reſolution in ſome other private and common Caſes, as a Chriſtian's being obliged to attend the Solemnity of giving a Youth the *Toga Virilis*, the Habit of a Man, the Solemnity of *Eſpouſals*, or *Nuptials*, or the *Manumiſſion* of a Slave [*b*] or giving him a new Name. For all theſe Things were innocent in themſelves: And though idolatrous Rites were uſually mixed with them, yet a Man might be preſent without communicating in thoſe Rites, diſtinguiſhing the Cauſes which required his Attendance. They were pure and clean in their own Nature: For neither does the Habit of a Man, nor the Ring of Eſpouſals, nor the joining of Man and Woman in Marriage, deſcend originally from any

[*b*] Tertul. ibid. cap. 16. Circa Officia vero privatarum & communium ſolennitatum, ut Togæ puræ, ut ſponſalium, ut Nuptialium, ut Nominalium, nullum putem periculum obſervari de Afflatu Idololatriæ, quæ intervenit. Cauſæ enim ſunt conſiderandæ, quibus præſtatur Officium. Eas mundas eſſe opinor per ſemetipſas, quia neque Veſtitus Virilis, neque Anulus, aut conjunctio Maritalis de alicujus Idoli honore deſcendit.

any Honour of an Idol: For all theſe Things are allowed by GOD; and though Sacrifices were uſed in the Ceremony, yet a Man whoſe Office and Buſineſs was not in the Sacrifice, but required upon ſome other Account, might lawfully attend them without Defilement. This was the Reſolution of all ſuch Caſes, where ſome Obligation of Office or Duty required a Man's Preſence at ſome idolatrous Service; not as contributing any Ways his Aſſiſtance in it, or communicating either directly or indirectly in the Service; but only performing what properly belonged to him by Vertue of his lawful Employment; and being ready, like *Valentinian*, to ſhew his Averſion to all ſuperſtitious and idolatrous Rites, when any more peculiar Occaſion required it. The being Preſent barely to perform ſome other Duty, was not interpreted in this Caſe any communicating with Idolatry, becauſe the very Tenour of his Obligation and Duty ſufficiently demonſtrated it to be otherwiſe.

Sect. 16. *Whether he might eat his own Meat in an Idol-Temple.*

BUT where a Man had no ſuch neceſſary Call or Obligation to perform any Duty that required his Preſence in a Temple, then to be preſent at an idolatrous Service, or do any Thing that might look with a ſuſpicious Aſpect towards it, was a ſufficient Reaſon to bring him under Eccleſiaſtical Cenſure. Thus no one could pretend any juſt Reaſon to carry his own Meat and eat it in an Idol-Temple, but this muſt needs imply ſome Diſpoſition towards Idolatry: And therefore the Council of *Ancyra* [c] made a Decree, that ſuch as feaſted with the Heathen upon

[c] Conc. Ancyr. can. 7.

upon any Idol-Feſtival in any Place ſet apart for that Service, though they carry'd their own Meat and eat it there, ſhould do two Years Penance for it. The Canon does not expreſsly call the Place an Idol-Temple, but τόπον ἀφωρισμένον, a Place ſet apart for the Service; which whether we take it for a Temple, or any other Place of Feaſting, is all one, ſince it was a Place appropriated to the Worſhip of the Idol on a Feſtival peculiarly dedicated to the Honour of ſome Heathen God.

Sect. 17. *Or feaſt with the Heathen on their Idol-Feſtivals.*

AND this Sort of Feaſting with the Heathens on their proper Feſtivals, whether in a Temple or out of a Temple, was preciſely forbidden under the Notion of Communicating with them in their Impiety. Which are the expreſs Words of the Council of *Laodicea*, prohibiting this Practice of keeping ſuch Feſtivals with the *Gentiles* [*d*]. Among the *Apoſtolical Canons* [*e*] there is alſo one that forbids Chriſtians to carry Oyl to any Heathen Temple, or Jewiſh Synagogue, or to ſet up Lights on their Feſtivals, under the Penalty of Excommunication. Which ſhews, that Chriſtians were ſometimes inclined to concur with the Heathens in this Practice.

AND this ſeems to be the moſt rational Senſe that can be given of thoſe two Canons of the Council of *Eliberis*, which ſo much trouble Interpreters; the one of which forbids the lighting [*f*] Wax-Candles by Day in the *Cemeteries* or Burying-Places of

[*d*] Conc. Laodic. can. 39. ὲ δεῖ τοῖς ἔθνεσι συνεορ]άζειν ἢ κοινωνεῖν τῇ ἀθεότητι] αὐτῶν. [*e*] Canon. Apoſt. 71.

[*f*] Conc. Eliber. can. 34. Cereos per diem placuit in Cœmeterio non incendi. Inquietandi enim ſanctorum ſpiritus non ſunt. Qui hæc non obſervaverint, arceantur ab Eccleſiæ Communione.

of the Martyrs, for fear of diſquieting the Spirits of the Saints, under the Penalty of Excommunication: And the other [*g*] prohibits the ſetting up of Lamps in publick under the ſame Penalty of being caſt out of the Communion of the Church. *Albaſpiny* thinks theſe Orders were made upon a miſtaken Notion, That the Souls of the Martyrs were ſtill waiting under the Altars; which, he ſays, was the Opinion of *Cyprian* [*h*] and *Tertullian*. But it is more probable, that the Council forbad theſe Rites upon another Ground, becauſe they were ſuperſtitious and idolatrous Rites uſed by the Heathen in their Solemnities, as is expreſsly ſaid by *Tertullian* [*i*] and many others collected by *Baronius* [*k*]. And this ſeems to be the true Reaſon why the Council forbad them, That Chriſtians might not ſymbolize with the Heathens in ſuch ſuperſtitions Practices. But to proceed, The Heathen Feſtivals are known in the *Civil Law* under the general Name of *Vota*, and *Votorum Celebritas*, ſolemn Days of Prayer and Worſhip of their Gods. And as *Gothofred* [*l*] has accurately diſtinguiſhed them, they comprized 1. All their *Ludi*, or Days of Publick Shews, which were in Honour of their Gods. Among which the *Maiuma* is very famous, there being a Title in the *Theodoſian Code* [*m*] concerning the Permiſſion and Regulation of it under the Chriſtian Emperors, till at laſt it was finally put down by *Arcadius*. 2. Their other Days

[*g*] Ibid. can. 37. Prohibendi etiam ne Lucernas publice accendant. Si facere contra interdictum voluerint, abſtineant a Communione. [*h*] Cypr. de Lapſis. De Bono Patientiæ. Tertul. de Reſur. Carnis. cap. 25. De Anima. cap. 8. Contra Gnoſticos. cap. 11. [*i*] Tertul. Apol. cap. 35, & 46. De Idololat. cap. 15. [*k*] Baron. an. 58. n. 72. [*l*] Gothof. in Cod. Theod. Lib. 16. Tit. 10. De Paganis. Leg. 8.
[*m*] Cod. Theod. De Maiuma. Lib. 15. Tit. 6.

Days of publick Feasting. 3. The *Kalends* of *January*, or Beginning of the new Year. Against the superstitious Observation of which there are frequent Invectives in the Writings of the Ancients, particularly in St. *Ambrose* [n], *Asterius Amasenus* [o] and *Prudentius* [p]. 4*thly*, The third of *January*, which was a noted Festival or Day of Heathen Devotion for the Emperor's Safety. Among these may be also reckoned their *Bromialia*, forbidden by the Council of *Trullo* [q]: And the *Neomenia*, or New-Moons, against which St. *Chrysostom* has a whole Discourse to dissuade Christians from the Observation of them: Where he particularly inveighs [r] against the impious Superstition that was still reigning in Mens Hearts as the Relicks of *Paganism*. For they were superstitiously addicted to Observation of Times, and made Divination and Conjectures upon them; as, if they spent the *New-Moon* of such a Month in Mirth and Pleasure, the whole Year following would be Prosperous and Lucky to them. So both Men and Women gave themselves to Intemperance and Excess on these Days, out of this Diabolical Persuasion, as he justly terms it, that the good, or bad Fortune of the rest of the Year depended upon such an ominous Beginning of it. Which was the Devil's Invention to ruin the Practice of all Vertue. He observes farther, That [s] they were used in the Celebration of these Times to set up Lamps in the Market-Place, and crown their Doors with Garlands, which he condemns together with their Superstition and

[n] Ambros. Serm. 17. [o] Aster. Hom. 4. De Festo Kalendarum. [p] Prudent. cont. Symmachum. Lib. 1.
[q] Conc. Trull. can. 62, & 65. [r] Chrys. Hom. 23. in eos qui Novilunia observant. Tom. 1. p. 297.
[s] Chrys. ibid. p. 300.

Intemperance, as a Mixture of diabolical Pomp, and childiſh Folly. By which we ſee how prone Men were to follow the Heathen in ſuch Practices, even when they were delivered both from their Ignorance and Compulſion: And much more, may we ſuppoſe, were they under a Temptation to comply with them in the Obſervation of their Feſtivals, whilſt they were under the Terror of their Laws and violent Perſecutions. Nay, even in St. *Auſtin*'s Time the Heathen were ſo inſolent in *Africk*, as to compel the Chriſtians to obſerve their Feſtvals; of which the *African* Fathers in the fifth Council of *Carthage* [*t*], were forced to complain to the Emperor *Honorius*, and petition him by his Authority to redreſs the Grievance: They repreſent to him, How the *Pagans* in many Places, not only kept their ſuperſtitious Feaſts themſelves, but forced the Chriſtians to joyn with them; ſo that it looked like a ſecret Perſecution under Chriſtian Emperors: Wherefore they deſired him to make a Law to prohibit them both in City and Country, and reſtrain them by ſome ſuitable Penalty inflicted on them. Which at firſt *Honorius* refuſed to grant, but afterward he comply'd with their Requeſt upon more mature Deliberation. The Law is ſtill extant in the *Theodoſian Code* [*u*], forbidding all holding of Feaſts or other Solemnities in

[*t*] Conc. Carth. 5. can. 5. Illud etiam petendum, ut quoniam contra Præcepta Divina, Convivia multis locis exercentur, quæ ab errore Gentili attracta ſunt, ita ut nunc a Paganis Chriſtiani ad hæc celebranda cogantur, ex qua re temporibus Chriſtianorum Imperatorum Perſecutio altera fieri occulte videatur, vetari talia jubeant. & de Civitatibus, & de Poſſeſſionibus impoſita pœna prohibere, &c. Vid. Cod. Afr. can. 63.

[*u*] Cod. Theod Lib. 16. Tit. 10. De Paganis Leg. 19. Non liceat omnino in honorem ſacrilegi Ritus funeſtioribus locis exercere Convivia, &c.

in Temples in Honour of the Gods; and enjoyning all Biſhops and Judges of the Provinces to take Care of the Execution of it. Yet this did not ſo root out the Superſtition, but that many Heathens ſtill continued in it; and ſome looſer Chriſtians were ready enough either to joyn with the Heathen in their Practices, or at leaſt to imitate the Luxury and Vanity of them under the Notion of Chriſtian Obſervations. St. *Auſtin* makes a bitter Complaint in one of his Epiſtles [x] of the Inſolence of the Heathen immediately after the Publiſhing of this Law; How upon one of their Feſtivals on the *Kalends* of *June*, they came Dancing in a petulant manner before the Doors of the Church: Which when the Clergy endeavoured to prohibit, they ſtoned the Church; and when the Biſhop complained to the Judges, they ſtoned it again, and a third time, ſetting Fire to the Houſes belonging to the Church, and killing ſome of the Clergy, and cauſing others to fly for their Lives. An inſolent and daring Attempt, not to be parallel'd by any thing, he ſays, that was done in the Time of *Julian!* And what was worſe than all, no one of the Magiſtrates or chief Men of the Place either offered to quell the Riot, or give any Aſſiſtance to the Sufferers, except a Stranger of ſome Authority, who delivered many of the Servants of GOD out of their Hands, whilſt the reſt only looked on the Abuſe with Pleaſure, and ſome of them were ſtrongly ſuſpected as working underhand to excite this Tumult and ſet the Heathen upon them, being grieved

[x] Aug. Ep. 202. ad Nectarium. Contra recentiſſimas Leges Kalendis Juniis feſto Paganorum Sacrilega ſolennitas agitata eſt, nemine prohibente, tam inſolenti auſu, ut quod nec Juliani temporibus factum eſt, petulantiſſima turba ſaltantium in eodem prorſus vico ante fores tranſiret Eccleſiæ, &c.

at this new Law which laid a Reſtraint upon theſe Feſtivals, in which they were wont to take ſo much Pleaſure. Which ſhews how deeply the Love of theſe Heathen Feſtivals was rooted in the Hearts of many Carnal and Libertine Chriſtians. In another Epiſtle he makes as ſad a Complaint to *Aurelius* Biſhop of *Carthage* [y] of the Intemperance and Debauchery which many ſuch Chriſtians were wont to commit upon the Feſtivals of their own Martyrs, and other Anniverſary Commemorations of their deceaſed Friends; which was only acting all the Impurity of the Heathen Feſtivals under the Name of Chriſtian. He prays him therefore to take ſome Method, to drive away ſuch profane and ſacrilegious Impurities from the Houſe of GOD [z]. But he thinks this could not be done by any rough Methods, or in any imperious Way, but by Inſtruction rather than Commanding; and by Admonition rather than Threatning: For that was the only Way [a] to deal with a Multitude: The Severity of Diſcipline was only to be exerciſed upon Sinners when their Numbers were ſmall. This is a grievous Complaint indeed, and he often repeats it in other Places [b]: Which ſhews how cloſe the Superſtition

[y] Aug. Ep. 64. ad Aurelium. Comeſſationes & Ebrietates ita conceſſæ & licitæ putantur, ut in honorem etiam beatiſſimorum Martyrum, non ſolum per dies ſolennes, quod ipſum quis non lugendum videat, qui hæc non carnis oculis inſpicit, ſed etiam quotidie celebrentur.— Iſtæ in Cœmeteriis ebrietates & luxurioſa convivia, non ſolum honores Martyrum a carnali & imperita plebe credi ſolent ſed etiam ſolatia mortuorum. [z] Ibid. Saltem de ſanctorum corporum Sepulchris, ſaltem de locis Sacramentorum, de domibus Orationum tantum dedecus arceatur. [a] Ibid. Non aſpere, quantum exiſtimo, non duriter, non modo Imperioſo iſta tolluntur, magis docendo, quàm jubendo, magis monendo quàm minando. Sic enim agendum eſt cum Multitudine; ſeveritas autem exercenda eſt in peccata paucorum. [b] Aug. cont. Fauſtum. Lib. 20. cap. 21. De Civ. Dei Lib. 8. cap. 27.

perſtition and Pleaſure of the Heathen Feſtivals ſtuck to the Hearts of many ignorant and carnal Men, even after they became Chriſtian: And their Multitudes in *Africk* were ſo great, that though their Crimes deſerved the Severity of Excommunication, yet St. *Auſtin* in ſuch Circumſtances, could not think that the proper Remedy to cure the Diſtemper. St. *Ambroſe* and other *Italian* Biſhops, he ſays, did happily root out this evil Cuſtom, and that was ſome Ground to hope it might be effected in *Africk*: But yet long after this we find the Complaint renewed againſt Chriſtians retaining the Relicks of Heathen Superſtition in this Matter of obſerving Feſtivals. For the Council of *Trullo* has a Canon [c] that forbids the Obſervation of the *Kalends*, and the *Bota*, and the *Brumalia*, and the Solemnity of the firſt of *March*, or *May* (as different Copies read it) and the publick Dancings, and other Ceremonies uſed by Men and Women, as handed down by ancient Cuſtom under the Names of the Heathen falſe Gods: Prohibiting likewiſe the interchanging of Habits in Men and Women, and wearing of comical and tragical Masks, and ſatyrical Dreſſes, and calling upon the Name of *Bacchus* in Treading the Wine-preſs, with ſome other ſuch ridiculous Vanities, proceeding from the Impoſture of the Devil. The *Kalends* here ſignify the firſt of *January*. The *Bota* is explained by *Balzamon*, and others who follow him, the Feaſt of the God *Pan*, becauſe βοτὰ ſignifies Sheep: But

[c] Conc. Trull. can. 62. Τὰς λεγομένας καλάνδας, καὶ τὰ λεγόμενα Βοτὰ, καὶ τὰ καλούμενα Βρουμάλια, καὶ τὴν ἐν τῇ πρώτῃ τοῦ Μαρτίου μηνὸς ἐπιτελουμένην πανήγυριν καθάπαξ ἐκ τῆς τῶν πιστῶν πολιτείας ἀφανισθῆναι βουλόμεθα. &c.

Gothofred [*d*] and *Suicerus* [*e*] more judiciouſly render it *Vota*, it being only the *Latin* Name *Vota* turned into *Greek*, and denoting the Heathen Feſtival on the third of *January* for the Safety of the Emperor. The *Brumalia* is by *Balzamon* underſtood of the Feaſt of *Bacchus*: But it may be better explained from *Tertullian*, who among many other Heathen Feſtivals, which ſome Chriſtians were very much inclined to obſerve, reckons the *Brumæ*, or *Brumalia*; and objects it [*f*] by way of Reproach to ſuch Chriſtians, That they were not ſo true to their Religion, as the Heathens were to theirs: For the Heathens would never obſerve any Chriſtian Solemnity, either the *Lord's-Day*, or *Pentecoſt*, or any other: They will not communicate with us in theſe Things; for they are afraid of being thought Chriſtians: But we are not afraid of being thought Heathens, whilſt we celebrate their *Saturnalia*, and *Januariæ*, and *Brumæ*, and *Matronales*, and mutually ſend Preſents and New-Year's Gifts, and obſerve their Sports and Feaſts. Where by the *Brumæ*, Learned Men [*g*] underſtand, not the Feaſts of *Bacchus*, but the Feſtivals of the *Winter-Solſtice*, properly called *Bruma*, from which they made a Conjecture, whether the Remainder of Winter

[*d*] Gothofr. in Cod. Theod. Lib. 16. Tit. 10. De Paganis. Leg. 8. p. 270. [*e*] Suicer. Theſaur. Eccleſ. Tom. 1. p. 706. It. Caſaubon. & Reineſius. ibidem. [*f*] Tertul. de Idol. cap. 14. Saturnalia, & Januariæ, & Brumæ, & Matronales frequentantur, Munera commeant, Strenæ conſonant, Luſus, Convivia conſtrepunt. O melior fides Nationum in ſuam ſectam: Quæ nullam ſolennitatem Chriſtianorum ſibi vindicat, non Dominicum Diem, non Pentecoſten. Etiamſi noſſent, non communicaſſent; timerent enim ne Chriſtiani viderentur. Nos, ne Ethnici pronunciemur, non veremur. It. cap. 10. Etiam Strenæ captandæ & Septimontium & Brumæ, &c.

[*g*] Vid. Junium in Loc. & Hoſpinian. de Feſtis Ethnicorum, cap. 28. p. 127.

Winter would prove fortunate to 'em or not. This Superſtition, being a Relick of old *Paganiſm*, continued in the Minds of many Chriſtians to the Time of the Council of *Trullo*, *An.* 692. Which was the Reaſon why this Council forbad it, with many other Obſervations of the like Nature, under the Penalty of Excommunication; which, as we have ſeen, was always the Puniſhment of ſuch Crimes, except when the Multitude of Offenders (as St. *Auſtin* ſays) made it impoſſible to exerciſe the Severity of Eccleſiaſtical Diſcipline upon them.

Sect. 18. *Of the Idolatry of worſhipping Angels, Saints, Martyrs, Images,* &c.

I TAKE no Notice here of the Idolatry that might be committed in the Worſhip of Angels, or Saints and Martyrs, or the Virgin *Mary*, or Images, or the *Euchariſt*, becauſe I have had Occaſion before to ſpeak more at large of theſe in ſeveral Parts [*] of this Work. And it will be ſufficient here only to obſerve in general, That none but profeſt Hereticks were ever accuſed of this Sort of Idolatry in the Primitive Ages, ſuch as the *Angelici* for worſhipping Angels, and the *Simonians* and *Carpocratians* for worſhipping Images, and the *Collyridians* for worſhipping the Virgin *Mary*: And theſe being Hereticks by Profeſſion, there is no Queſtion but that the Cenſures of the Church were inflicted on them, and all ſuch as adhered to or went over to them; which is ſufficient to remark here for explaining and confirming the Exerciſe of Diſcipline in the Church.

Sect. 19. *Of Encouragers of Idolatry and Connivers at it.*

THERE is but one Thing more to be noted concerning the Practice of Idolatry, which is, That all Favourers and Encouragers of Idolatry were equally reputed

[*] *See* Book VIII. Chap viii. Book XIII. Chap. iii.

guilty of the Crime with Idolaters themſelves, as partaking in their Sin. If a Maſter ſent his Servant to Sacrifice for him, the Act was the Servants, but the Guilt rebounded on the Maſter's Head, as the principal Author of it, as we have ſeen before in the Caſe of the *Libellatici*, who employed their Servants to Sacrifice for them. If a Judge who was obliged by his Office to extirpate Idolatry, when the Laws gave him Authority and Power to do it, did either publickly neglect his Duty, or ſecretly connive at the Practice of Idolaters, he was reputed guilty of the Crime by Participation. Thus St. *Auſtin* charges the Magiſtrates of a certain City as Criminals in this Reſpect [*b*], That when the Laws had empowered them to root out all the Remainders of Idolatry, they were negligent and remiſs in putting them in Execution: Though the Laws themſelves, to which [*i*] he refers, Had laid a Penalty of Twenty Pound in Gold upon any Judge, or Officer belonging to him, if by any Diſſimulation of theirs the Force of the Law, prohibiting Heathen Feſtivals, was fraudulently evaded. So before Idolatry was forbidden by the Imperial Laws, whilſt under the Countenance of Heathen Emperors it rode Triumphant, Chriſtians were obliged not only to abſtain from ſacrificing themſelves, but to lend no helping Hand by their Authority to the Sacrifices; not to make a Trade of ſelling *Victims*; not to be a Guardian or Curator of any Temple, or Collector of their Revenues; not to exhibit the publick Games and Shews, either at his own Expence, or the Expence of

[*b*] Aug. Ep. 202. [*i*] Cod. Theod. Lib. 16. Tit. 10. De Paganis. Leg. 19 Judices autem viginti Librarum auri pœna conſtringimus, & pari forma Officia eorum, ſi hæc eorum fuerint diſſimulatione neglecta.

of the publick, or ſo much as preſide in them when they were acted; not to uſe any of their ſolemn Words or Forms peculiar to idolatrous Worſhip, nor to ſwear by the Names of their Gods: All which *Tertullian* remarks and puts together in one [*k*] Place; giving this as a Reaſon why a Chriſtian under an Heathen Government could not ſafely take upon him the Office of a Judge; becauſe that Poſt would oblige him to countenance Idolatry either by his Authority, or ſome other of thoſe Ways, which he could not do without injuring his Conſcience and doing Violence to the Laws of his own Religion, which do not allow a Man to help forward the Practice of Idolatry in others. And for this Reaſon the Council of *Eliberis* [*l*] made an Order, that no Poſſeſſors or Landlords ſhould allow of any Thing that was brought in their Accounts by their Managers or Tenants, as given to an Idol, under the Penalty of five Years Suſpenſion from the Communion. And in another Canon [*m*] they order all Maſters to prohibit their Servants, from retaining any Idols in their Houſes, as far as lay in their Power; or if they could not do this in Times of Perſecution for fear their Servants ſhould uſe ſome Violence toward

[*k*] Tertul. de Idol. cap. 17. Neque Sacrificet, neque Sacrificiis auctoritatem ſuam accommodet, non hoſtias locet, non curas Templorum deleget, non Vectigalia eorum procuret, non ſpectacula edat de ſuo aut de publico, aut edendis præſit: Nihil ſolenne pronunciet vel edicet, ne juret quidem.

[*l*] Conc. Eliber. can. 40. Prohiberi placuit, ut cum rationes ſuas accipiunt Poſſeſſores, quicquid ad Idolum datum fuerit, acceptum non referant; ſi poſt interdictum fecerint, per quinquennii ſpacia temporum a communione eſſe arcendos. [*m*] Ibid. can. 41. Admoneri placuit Fideles, ut in quantum poſſint, prohibeant, ne Idola in domibus ſuis habeant: Si vero vim metuunt ſervorum, vel ſeipſos puros conſervent; ſi non fecerint, alieni ab Eccleſia habeantur.

toward them, that is, inform againſt them or betray them, they ſhould at leaſt keep themſelves pure, or otherwiſe be caſt out of the Church. In Times of Peace they were to carry their Power a little farther: For by a Rule of the ſecond Council of *Arles* [*n*], after Laws were made by the State to prohibit and root out Idolatry, every Presbyter within his own Territory or Diſtrict, was to proſecute all Infidels that ſtill continued to light Torches to Idols, or worſhip Trees, or Fountains, or Stones, under the Penalty of being himſelf reputed guilty of Sacrilege, if he neglected ſo to do. And every Lord or Governor of the Place, who upon Admonition ſhould refuſe to correct ſuch Errors in thoſe under his Command, was to be deprived of the Communion. By another Canon of the Council of *Eliberis* [*o*], all Perſons both Men and Women are prohibited to lend any Heathen their Clothes and Apparel to ſet off the ſecular Pomp, under the Penalty of three Years Suſpenſion from the Communion. Where by the ſecular Pomp it is moſt reaſonable to underſtand the idolatrous Ceremonies of the Heathen on their publick Feſtivals. But there is one Caſe peculiarly guarded againſt in that Council, becauſe many well-meaning Chriſtians, in a miſtaken Zeal againſt Idolatry, were apt to run in a contrary Extreme, and think themſelves obliged to break and deface Idols where-ever they found them: To correct

[*n*] Conc. Arelat. 2. can. 23. Si in alicujus Presbyteri Territorio Infideles aut faculas accenderint, aut arbores, fontes vel ſaxa venerentur: Si hæc eruere neglexerit, Sacrilegii ſe eſſe reum cognoſcat. Dominus autem vel Ordinator rei ipſius, ſi admonitus emendare noluerit, Communione privetur.

[*o*] Conc. Eliber. can. 57. Matronæ vel earum mariti veſtimenta ſua ad ornandam ſeculariter Pompam non dent. Et ſi fecerint, triennii tempore abſtineant.

correct which Error the Council [p] was forced to make another Decree to forbid this unwarrantable Practice, and to Order, That if any one was ſlain in ſuch a Fact, he ſhould not be enrolled in the Catalogue of Martyrs: Becauſe the Goſpel gives no ſuch Command, neither do we find it ever practiſed by the Apoſtles. This Obſervation of the Council concerning the Practice of the Apoſtles, ſeems to be very Juſt. For whatever Zeal they had againſt Idolatry, we never read that they went in a tumultuous Way into the Heathen Temples to demoliſh their Idols; but rather the contrary Character is given them by the Teſtimony of the very Heathen. Of which we have an illuſtrious Inſtance in the Apology which the Town-Clerk of *Epheſus* made for *Paul* and his Companions, when they were accuſed by *Demetrius* and the Crafts-Men who made Silver Shrines for *Diana*, as if they had done Violence to her Temple, and to the Image which fell down from *Jupiter*: *Ye have brought hither theſe Men*, ſays he, *which are neither Robbers of Churches, nor yet Blaſphemers of your Goddeſs*, Acts xix. 37.

'TIS true indeed, *Eulalia* the Martyr had done ſome ſuch Thing not long before in *Spain*: But the Council would not have her Action, which might be done by a peculiar Impulſe of the Spirit, drawn into Example; becauſe it was an unneceſſary Provocation of the Heathen, and prejudicial to the Church, without any Warrant from Scripture; which bids Men confeſs CHRIST when they are called to do it, but not to provoke the Enemy by

[p] Ibid. can. 60. Si quis Idola fregerit, & ibidem fuerit occiſus; quoniam in Evangelio non eſt ſcriptum, neque invenitur ab Apoſtolis unquam factum; placuit in numerum eum non recipi Martyrum.

by an imprudent Zeal, when there is no juſt Reaſon for it. And this is what *Cyprian* before them had always taught his People both by his Preaching and his Writing, That they [q] ſhould raiſe no Tumults, nor offer themſelves of their own accord to the *Gentiles*; but when they were apprehended and delivered up to the Magiſtrate, then to ſpeak what the LORD put into their Hearts in that Hour, who would have us to confeſs him when called to do it, but not raſhly put ourſelves upon it. Thus the Ancients in this Matter of Idolatry, the great Crime of that Age, ſteered their Diſcipline with an even Courſe, keeping a juſt Medium between two Extremes; neither allowing any ſinful Compliance or Communication with it, nor encouraging any indiſcreet and over-zealous Oppoſition to it. And if *Tertullian* in the former Caſe has ſtretched the Matter a little too far; as when he determines it to be a Species, and ſmatch of Idolatry for a Schoolmaſter to teach the Names of the Heathen Gods to his Scholars, or for a Chriſtian to bear Arms, or fly in Time of Perſecution; it is eaſy to Account for theſe Singularities, knowing out of what School they came, and that they were not the Dictates of the Spirit of CHRIST, but the Spirit of *Montanus*: And it is a ſufficient Anſwer to any ſuch Pretences, that we meet with no ſuch dogmatical Aſſertions in purer Writers, nor any ſuch Rules in Eccleſiaſtical Diſcipline, nor any ſuch over-bearing Cuſtom in the Church of GOD. I have been the more curious in ſtating the

[q] Cypr. Ep. 81. al. 83. p. 239. Secundum quod me tractante ſæpiſſime didiciſtis, quietem & tranquillitatem tenete: ne quiſquam veſtrum aliquem tumultum de fratribus moveat, aut ultro ſe Gentilibus offerat, &c. Siquidem Dominus nos confiteri magis voluit, quam (temere) profiteri.

the Senſe of the Ancients upon theſe ſeveral Queſtions, both becauſe they are uſeful to explain the Diſcipline of the Church, and alſo becauſe they may have their Uſe when applied to other Caſes: And it is not very common to find the Subject of Idolatry treated of in this Way by Modern Authors.

CHAP. V.

Of the Practice of curious and forbidden Arts, Divination, Magick, *and* Inchantment: *And of the Laws of the Church made for the Puniſhment of them.*

Sect. 1. *Of the ſeveral Sorts of Divination. Particularly of Aſtrology.*

ANOTHER great Crime againſt Religion was the Practice of curious and forbidden Arts, which are almoſt innumerable, from the great and various Inclination of Men to Superſtition. I ſhall ſum them up under three general Names, *Divination*, *Magick* and *Inchantment*. *Divination* comprehends all the Arts and Ways of diſcovering Secrets, or fortelling Future Events, not knowable by any Rules of Nature; *Magick*, All the Arts of miſchievous Operations by ſecret and unknown Means, which is commonly called *Sorcery*, and by the *Latins*, *Veneficium* and *Maleficium*, from poiſoning and doing Miſchief; *Inchantment* chiefly relates to a pretended Skill and Power of doing good, as of curing Diſeaſes by certain Charms, and Words, and Signs, and Amulets, which has made it the more agreeable to weak and ſuperſtitious Perſons, becauſe it has a Pretence and Shew of

of being uſeful and beneficial to Mankind. Among the ſeveral Species of *Divination* one of the moſt noted and infamous was that of *Aſtrology*, or the Pretence of diſcovering Secrets by the Poſition and Motion of the Stars. Men who profeſſed this Art, are commonly called *Mathematici*, Drawers of Schemes and Calculations; under which Name they are condemned in both the *Codes* [*a*]. And they were infamous not only under the Chriſtian Adminiſtration, but alſo under the old *Romans*. For there is a Law of *Diocletian* [*b*] in the *Juſtinian Code*, which allows the Art of Geometry as an uſeful Science, but forbids the *Ars Mathematica*, the Aſtrologers Art, as a damnable Practice. And *Tacitus* [*c*] ſays, There were Decrees of the Senate made in the Reign of *Tiberius* for expelling all the Aſtrologers and Magicians out of *Italy*: But he likewiſe obſerves [*d*], That they were a Sort of Men, which were always forbidden, and yet always retained. For though they were deceitful and fallacious to great Men, yet they ſtill had an Inclination now and then upon Occaſion to conſult them. Their Expulſion out of *Italy* is alſo noted by *Suetonius*, as done twice [*e*] in the Reigns of *Tiberius* and *Vitellius*.

[*a*] Cod. Theod. Lib. 9. Tit. 16. De Maleficis & Mathematicis. [*b*] Cod. Juſtin. Lib. 9. Tit. 18. De Malefic. & Mathemat. Leg. 2. Artem Geometriæ diſcere atque exercere publice intereſt. Ars autem Mathematica damnabilis eſt atque interdicta omnino. [*c*] Tacit. Annal. Lib. 2. cap. 32. Facta & de Mathematicis Magiſque Italia pellendis Senatus conſulta; quorum e numero Pituanius ſaxo dejectus eſt.

[*d*] Idem in Hiſt. Lib. 1. cap. 22. Mathematici, genus hominum Potentibus infidum, ſperantibus fallax, quod in Civitate noſtra & vetabitur ſemper, & retinebitur. [*e*] Sueton. Vit. Tiber. cap. 36. Vit. Vitel. cap. 14.

tellius. Upon which *Tertullian* [*f*] in a ſmart and elegant Way, tells ſome Chriſtians, who pleaded for a Toleration of themſelves in the Profeſſion of this wicked Art, That Aſtrologers were expelled out of *Italy* and *Rome*, as their Angels were out of Heaven: The ſame Penalty of Baniſhment was inflicted on the Scholars, as had been on their Maſters before them. Now then the Laws of the State, both Heathen and Chriſtian, being thus ſevere againſt them, it was but reaſonable that the Cenſures of the Church ſhould be as ſharp upon them, becauſe they were a Species of Idolaters, and owed the Original of their Art to the Invention of wicked Angels. For this Reaſon the *Conſtitutions* [*g*] put Aſtrologers into the Black Liſt of ſuch as were to be rejected from Baptiſm, unleſs they would Promiſe to renounce their Profeſſion. The firſt Council of *Toledo* [*h*] condemns the *Priſcillianiſts* with *Anathema* for the Practice of it. For we muſt know, That the *Priſcillianiſts* aſcribed all to Fate and the neceſſary Influence of the Stars, as St. *Auſtin* informs us: They aſſerted that Men were bound to fatal [*i*] Stars, and that our Bodies were compounded according to the Order of the twelve Signs of the *Zodiack*, as they who are

[*f*] Tertul. de Idol. cap 9. Urbs & Italia interdicitur Mathematicis, ſicut cœlum & Angelis eorum, eadem pœna eſt Exilii Diſcipulis & Magiſtris. [*g*] Conſtit. Lib. 8. cap. 32. [*h*] Conc. Tolet. 1. in Regula Fidei cont. Priſcillianiſtas. Si quis Aſtrologiæ vel Matheſi exiſtimat eſſe credendum, anathema ſit. [*i*] Aug. de Hæreſ. cap. 70. Aſtruunt fatalibus Stellis homines colligatos, ipſumque corpus noſtrum ſecundum duodecim ſigna cœli eſſe compoſitum, ſicut hi qui vulgo Mathematici appellantur; conſtituentes in capite arietem, taurum in cervice, geminos in humeris, cancrum in pectore; & cætera nominatim ſigna percurrentes, ad plantas uſque perveniunt, quas piſcibus tribuunt, quod ultimum ſignum ab Aſtrologis nuncupatur.

are commonly called *Mathematici*, or Aſtrologers maintain, appointing *Aries* for the Head, *Taurus* for the Neck, *Gemini* for the Shoulders, *Cancer* for the Breaſt, and ſo running through the other Signs, till they came to the Feet, which they attributed to *Piſces*, which is the laſt Sign in the Aſtrologers Computation. *Leo* [*k*] in one of his *Epiſtles* gives the ſame Account of them, That they maintained that the Bodies and Souls of Men were bound to fatal Stars, by which Folly Men were embaraſſed in the Errors of the *Pagans*, and obliged to worſhip thoſe Stars that were favourable to them, and appeaſe thoſe that were againſt them: But they who followed ſuch Vanities, could have no Place in the Catholick Church: For he that gives himſelf to ſuch Perſuaſions, is wholly departed from the Body of CHRIST. *Sozomen* [*l*] ſays, *Euſebius* Biſhop of *Emeſa* was accuſed of the Practice of this Art, and forced to fly from his Biſhoprick upon it. He gives it indeed another Name, caling it *Apoteleſmatical Aſtronomy*: But that [*m*] ſignifies the ſame thing: For there were two Parts of *Aſtronomy*, the one teaching the Nature and Courſe of the Stars; which was a lawful Art: And the other, the ſecret Effects and Powers of them in their Oppoſitions, Conjunctions, *&c.* which Effects were called their *Apoteleſmata*, and the Art itſelf *Apoteleſmatica*, and the Practicers of it anciently *Apoteleſmatici*,

[*k*] Leo Ep. 91. al. 93. ad Turibium cap. 11. Fatalibus Stellis & animas hominum, & corpora opinantur aſtringi: per quam amentiam neceſſe eſt ut homines Paganorum erroribus implicati, & faventia ſibi (ut putant) ſidera colere, & adverſantia ſtudeant mitigare. Verum iſta ſectantibus nullus in Eccleſia Catholica locus eſt: Quoniam qui ſe talibus perſuaſionibus dedit, a Chriſti corpore totus abſceſſit. [*l*] Sozom. Lib. 3. cap. 6. [*m*] Juſtin. Reſponſ. ad Orthodox. 24. *ſpeaks of the* Teleſmata *of* Apollonius.

Apoteleſmatici, as afterwarwards *Mathematici* and *Chaldæi*. Some think [n] alſo theſe *Apoteleſmata* were little Figures and Images of Wax, made by Magical Art to receive the Influence of the Stars, and uſed as Helps in Divination. So that the *Apoteleſmatical* Art was the ſame in all Reſpects with *Judicial Aſtrology*. And therefore *Euſebius Emiſſenus* was condemned for the practice of it, as an unlawful Art, utterly unbecoming the Character of a Chriſtian Biſhop. For by the Account that has been given, it is plain, that all ſuch Kind of Divination was looked upon as Idolatry and Paganiſm, as owing its Original to wicked Spirits, and as introducing an abſolute Fate and Neceſſity upon human Actions, and ſo taking away all Freedom from human Will, and making GOD the Author of Sin: Which Blaſphemies are commonly charged upon this Art by the Ancients, St. *Auſtin* [o] *Lactantius* [p], *Tertullian* [q], *Euſebius* [r], *Origen* and *Bardeſanes Syrus*, who wrote particular *Diſſertations* againſt it, mentioned by *Euſebius*, who gives ſome Extracts out of them. We may note farther out of St. *Auſtin*, That theſe Aſtrologers had ſometimes the Name of *Genethliaci* [s] from pretending to calculate Mens Nativities by erecting *Schemes* and *Horoſcopes*, as they called them, to know what Poſition the Stars were in at their Birth, and thence prognoſticate their good or bad Fortune, or any Accidents of their Life, by the Conjunction of the Stars they were

[n] Vid. Selden. De Diis Syris. Syntagma. 1. cap. 2. p. 116. Spencer. De Urim & Thummim. Lib. 3. cap. 3. Sect. 10. p. 369. [o] Aug. De Civ. Dei. Lib. 5. cap. 1. &c. De Doctrina Chriſt. Lib. 2. cap. 21, &c. [p] Lact. Lib. 2. c. 17. [q] Tertul. De Idol. cap. 9. [r] Euſeb. De Præpar. Evang. Lib. 6. Orig. & Bardeſan. ibid. cap. 10, & 11. Vid. Nyſſen. de Fato. Baſil. Hom. 1, & 6. in Hexamer. [s] Aug. de Doct. Chriſt. Lib. 2. cap. 21. Genethliaci propter natalium dierum conſiderationes vocantur.

born under. And becauſe ſome of theſe pretended to determine poſitively of the Lives and Deaths of Kings, which was reputed a very dangerous Piece of Treaſon; therefore the Laws of the State were more ſevere againſt them even under the Heathen Emperors, as *Gothofred* ſhews out [*t*] of the ancient Lawyers, *Ulpian* and *Paulus*: And that was another Reaſon, why the Church thought it proper to animadvert upon theſe with the utmoſt Severity of Eccleſiaſtical Cenſures; as thinking that what the Heathen Laws had puniſhed as a Capital Crime, ought not to paſs unregarded in the Diſcipline of the Chriſtian Church. It was this Crime that expelled *Aquila* from the Church. For *Epiphanius* ſays [*u*] He was once a Chriſtian; but being incorrigibly bent upon the Practice of *Aſtrology*, the Church caſt him out; and then he became a *Jew*, and in Revenge ſet upon a new Tranſlation of the *Bible*, to corrupt thoſe Texts which had any Relation to the Coming of CHRIST. St. *Auſtin* [*x*] gives a famous Inſtance of an Aſtrologer, who being excommunicated for his Crimes, afterwards became a Penitent, and was reconciled to the Church by his Miniſterial Abſolution. The Sum of his Crimes was this: He taught the fatal Influence of the Stars, That it was *Venus* that made a Man commit Adultery, and not his own Will; and that it was *Mars*, and not his own Will, that made him commit Murder; and that if any Man was righteous, it was not from GOD, but from the Influence of *Jupiter*, a Star ſo called in the Heavens. And by this Art he had defrauded many People of their Money; but at laſt he became a Convert, and

[*t*] Gothofred. in Cod. Theod. Lib. 9 Tit. 16. De Malef. & Mathematic. Leg. 2. [*u*] Epiphan. De Menſur. & Ponder. [*x*] Aug. De Mathematico. ad calcem Tractatus in Pſal. 61.

and upon his Confeſſion and Repentance, was received into the Church again, to Lay-Communion, but for ever deny'd all Promotion among the Clergy. By which one Inſtance, we may judge of the Greatneſs of the Crime, and the Proceedings of the Church againſt ſuch Offenders.

Sect. 2. *Of* Augury *and* Soothſaying.

ANOTHER Sort of *Divination* was, that which was called *Augury* and *Soothſaying*. Which was committed ſeveral Ways. Sometimes by obſerving ſeveral Signs and Appearances in the Entrails of the Sacrifices, which was properly called *Aruſpicina* and *Haruſpicium*. Sometimes by Obſervations made upon the Motion, or Flying, or Singing of Birds, which was called *Augury*, in the ſtricteſt Senſe. Sometimes by Remarks made upon the Voice of Men, or their Sneezing, which was called an *Omen*, and the thing reputed ominous. Sometimes by obſerving certain Signs in the Figure and Lineaments of the Body; as in the Hands, which was called *Chiromancy*; or in the Face and Forehead, which was called μετωποσκοπία, or *Phyſiognomy*; or in the Back, called νωτομαντεία, with many other Obſervations of the like Nature. The old *Romans* were much given to theſe Superſtitions, inſomuch that they had their Colleges of Augurs, and would neither fight, nor make War or Peace, or do any thing of Moment without conſulting them. The Squeeking of a Rat, was ſometimes the Occaſion of Diſſolving a Senate, or making a Conſul or a Dictator [*y*] lay down his Office, as begun with an ill *Omen*. Now though Chriſtianity was a profeſs'd Enemy to all ſuch Vanities; yet the Remains

[*y*] Valer. Maxim. Lib. 1. cap. 3. Occentus ſoricis auditus Fabio Maximo Dictaturam, Cæſo Flaminio Magiſterium Equitum deponendi cauſam præbuit.

of ſuch Superſtition continued in the Hearts of many after their Converſion. So that the Church was forced to make ſevere Laws to reſtrain them. The Council of *Eliberis* [z] makes the Renunciation of this Art a Condition of Baptiſm, if an Augur had a mind to be baptized: And if afterward he returned to the Practice of it, he was to be caſt out of the Church. Which is alſo the Rule in the *Apoſtolical Conſtitutions* [a], and the Councils of *Agde* [b], *Vannes* [c], *Orleance* [d] and ſeveral others. The *Conſtitutions* not only cenſure Aſtrologers, Magicians, and Inchanters, but alſo wandring Fortune-Tellers, Augurs, and Soothſayers, Obſervers of Signs and Omens, Interpreters of Palpitations, Obſervers of Accidents in meeting others, and making *Divination* upon them, as upon a Blemiſh in the Eye, or in the Foot, Obſervers of the Motion of Birds or Weeſels, Obſervers of Voices and ſymbolical Sounds.

Sect. 3. *Of* Divination *by Lots.*

AND it is obſervable, That in the *French* Councils laſt mentioned, there is a peculiar Sort of Augury condemned under the Name of *Sortes Sacræ*, *Divination* by holy Lots. Which was a Piece of new Superſtition grafted upon an old Stock, and introduced with a more ſpecious Shew in the Room of an Heathen Practice. For the Heathens were uſed to divine by a ſort of Lots, which they called *Sortes Virgilianæ:* Which was done by a caſual opening of the Book of *Virgil*, and then the firſt Verſes that appeared, were taken and interpreted into an Oracle. Thus *Spartian* ſays, [e] *Hadrian*

[z] Conc. Eliber. can. 62. Si Augur aut Pantomimi credere voluerint, placuit, ut prius artibus ſuis renuncient, & tunc demum ſuſcipiantur, ita ut ulterius non revertantur. Quod ſi facere contra interdictum tentaverint, projiciantur ab Eccleſia.

[a] Conſtit. lib. 8. cap. 32. [b] Conc. Agathen. can. 42.

[c] Conc. Venetic. can. 16. [d] Conc. Aurel. 1. can. 32.

[e] *Hadrian* had the Empire prognoſticated to him by drawing his Lots out of *Virgil*. For the firſt Words that appeared, *Miſſus in Imperium magnum*, portended that he ſhould become the *Roman* Emperor. And ſo *Lampridius* [f] in the Life of *Alexander Severus*, ſays, That Emperor alſo underſtood by this ſort of Divining-Lots out of another Verſe of *Virgil*, that he ſhould obtain the Government of the *Roman* Empire. Now many ſuperſtitious Chriſtians were of Opinion, that this ſort of *Divination* might be much better made by uſing the Holy Scriptures after the ſame Manner, and to the ſame Purpoſe: And therefore as the Heathen uſed *Virgil*, ſo they uſed the *Bible*, to learn their Fortune by ſacred Lots, as they called them, taking the firſt Paſſage that preſented itſelf, to make their *Divination* and Conjecture upon: And it appears, that ſome of the inferior Clergy, out of a baſe Spirit, and Love of filthy Lucre, encouraged this Practice, and made a Trade of it in the *French* Church. Whence the *Gallican* Councils are very frequent in the Condemnation of it. The Council of *Agde* [g] takes notice, That ſome of the Clergy and Laity followed after Soothſaying, to the great Detriment of the *Catholick* Religion; and under the Name of feigned Religion; profeſſed the Art of *Divination*, by what they called the Lots of the Saints, making uſe of

[e] Spartian. Vit. Hadrian. p. 5. Cum Virgilianas ſortes conſuleret, &c. [f] Lamprid. Vit. Alexand. p. 341. Virgilii ſortibus hujuſmodi illuſtratus eſt, Tu regere Imperio populos Romane memento, &c.

[g] Conc. Agathen. can 42. Quod maxime Fidem Catholicæ Religionis infeſtat, aliquanti Clerici ſive Laici ſtudent Auguriis, & ſub nomine fictæ religionis, per eas quas ſanctorum ſortes vocant, Divinationis ſcientiam profitentur, aut quarumcunque Scripturarum inſpectione futura promittunt. Hoc quicunque Clericus vel Laicus detectus fuerit vel conſulere vel docere, ab Eccleſia habeatur extraneus.

a caſual Inſpection of the Scriptures to divine Futurities by. It is decreed therefore, "That whoever of the Clergy or Laity ſhould be detected "in the Practice of this Art, either as Conſulting "or Teaching it, ſhould be caſt out of the Communion of the Church." This had been decreed about ſixty Years before in the Council of *Vannes*, *An.* 465. in the very ſame Words. And the firſt Council of *Orleance* [*b*] about five Years after the Council of *Agde*, repeats the Decree with a very little Variation. But the Practice continued for all this: For *Gregory* of *Tours* [*i*] ſays, *Kramnus* the Son of King *Clotharius* conſulted the Clergy of *Dijon* upon ſome Points, and they gave him an Anſwer by this Sort of *Divination*. Some reckon St. *Auſtin*'s Converſion owing to ſuch a Sort of Conſultation: But the thought is a great Miſtake, and very injurious to him: For his Converſion was owing to a providential Call, like that of St. *Paul* from Heaven. He ſays [*k*], He heard a Voice he knew not whence, ſaying, *Tolle lege, Tolle lege*, Take up the *Bible* and read: Which he did, and the firſt Words he chanc'd to caſt his Eye upon were thoſe of St. *Paul*, Rom. xiii. *Let us walk honeſtly as in the Day; not in Rioting and Drunkenneſs, not in Chambering and Wantonneſs, not in Strife and Envying: But put ye on the Lord Jeſus Chriſt, and make not Proviſion for the Fleſh, to fulfil the Luſts thereof.* Which Words being appoſite to his Caſe, he looked upon them as ſpoken directly to himſelf, and accordingly apply'd them to his own Condition: And ſo by GOD's Providence they

[*b*] Conc. Veneticum. can. 16. Conc. Aurel. 1. can. 32. Siquis Clericus, Monachus, vel Secularis, Divinationem vel Auguria crediderit obſervanda, vel ſortes (quas mentiuntur eſſe ſanctorum) quibuſcunque putaverint intimandas, cum his qui eis crediderint, ab Eccleſiæ communione pellantur.

[*i*] Greg. Turon. Hiſt. Lib. 4. cap. 16. [*k*] Aug. Confeſſ. Lib. 8. cap. 12.

they became the Means of fixing him in that Piety, Purity and Sobriety, for which he was after ſo famous in the World. Here was nothing of *Divination* in all this; but a ſeaſonable Application of a proper Paſſage to himſelf, as he ſays St. *Anthony* had made of thoſe Words of our SAVIOUR, *Go, ſell all that thou haſt, and give to the Poor, and thou ſhalt have Treaſure in Heaven, and come follow me.* Which he took as an Oracle ſpoken immediately to himſelf, and they were the Occaſion of his turning to the LORD. As to any other Uſe of the Scripture for *Divination*, St. *Auſtin* was an Enemy to it, and expreſſes himſelf againſt it, reflecting on ſome who uſed it to that Purpoſe: As for thoſe [*l*] ſays he, who divine by Lots out of the *Goſpel*, though it be more deſirable they ſhould do this, than run to ask Counſel of Devils; yet I am diſpleaſed at this Cuſtom, which turns the Divine Oracles, which ſpeak of Things belonging to another Life, to the Buſineſs of this World, and the Vanities of the preſent Life. By which it is plain, he looked upon this Sort of *Divination* as a great Abuſe of the *Goſpel*, though not ſo bad as going directly to conſult Devils. As for thoſe which are commonly called *Diviſory Lots*, there is no Harm in them, when apply'd to Things in our own Power; as to dividing of Lands by Lot, or determining in an Army who ſhall firſt invade the Enemy; or in time of a Plague or Perſecution, What Miniſters ſhall ſtay in a City to take Care of the Church; which is a Caſe particularly men-

[*l*] Aug. Ep. 119 ad Januar. cap. 20. Hi vero qui de paginis Evangelicis Sortes legunt, etſi optandum eſt, ut hoc potius faciant, quam ut ad Dæmonia conſulenda concurrant, tamen etiam iſta mihi diſplicet Conſuetudo, ad negotia ſæcularia & ad vitæ hujus vanitatem, propter aliam vitam loquentia Oracula Divina velle convertere.

tioned by St. *Auſtin* [*m*], and allowed as lawful. So a Prince may diſtribute his Puniſhments by Lot, when he is minded to ſpare ſome Criminals, and puniſh others. And when there are two Objects of Charity in equal Circumſtances, and we cannot relieve both, St. *Auſtin* [*n*] thinks there is no Harm in caſting Lots to determine which of them ſhall have our Charity. And there are many other indifferent Caſes of the like Nature, in which Lots may be uſed without any Prejudice to Religion. And therefore the Church never made any Laws to forbid or cenſure them, ſave only in diſpoſing of Eccleſiaſtical Offices, and the Lives of Men, which are too ſacred to be committed to mere Chance or Lots without ſome ſpecial Divine Direction, as in the Caſe of *Matthias* and *Jonas*, which St. *Jerom* [*o*] ſays are not to be drawn into Example; becauſe ſpecial Privileges cannot make a common or general Law for all Caſes: And it is plain, that without ſuch ſpecial Direction, Lots of that Kind will be Matter of mere Chance, or elſe pure *Divination*.

Sect. 4. Of Divination *by expreſs Compact with Satan.*

THERE were ſome other Ways of *Divination* far more abominable than the former, becauſe they were done by expreſs Compact with the Devil, and always imply'd his Concurrence and Aſſiſtance. Sometimes he gave Anſwers by his Images and Idols, which were called Oracles. Sometimes by ſpeaking in his Prophets,

[*m*] Aug. Ep. 180. ad Honorat. Quæ diſceptatio, ſi aliter non potuerit terminari, quantum mihi videtur, qui maneant & qui fugiant, ſorte legendi ſunt. [*n*] Aug. de Doct. Chriſt. Lib. 1. c. 28. [*o*] Hieron. in Jon. 1. Nec ſtatim debemus ſub hoc exemplo ſortibus credere, vel illud de Actibus Apoſtolorum huic teſtimonio copulare, ubi ſorte in Apoſtolatum Matthias eligitur: Cum Privilegia ſingulorum non poſſint facere Legem communem.

Prophets, whom he poſſeſſed, who were called *Pythonici* and *Pythoniſſæ*, poſſeſſed with a Familiar, or Spirit of *Divination*, and ἐγγαστριμύθοι, becauſe they ſpake out of the Belly by the Navel. Sometimes Men uſed certain Ceremonies in ſleeping, in ſuch a Poſture, in a Temple, in the Skins of the Sacrifices, *&c.* to receive his Impreſſions and Anſwers by Dreams, which was called ὀνειρομαντεία. Sometimes he gave Anſwers by *Spectres* and Appearances from the Dead, as he did to *Saul* by the Witch of *Endor*. This they properly called *Necromancy*, that is, *Divination* by the Dead. Sometimes he ſpake by the Skull of a dead Man, called κρανιομαντεία. Sometimes he gave Anſwers by certain Signs and Figures made in the Earth, or Water, or Air, or Fire, or a Glaſs, or a Riddle, and a Thouſand other Ways of Impoſture, either by real Appearances, or by deluding the Imagination. The Names of which and the Tranſactions may be ſeen in *Delrio* [p], or *Leſſius* [q], or *Du Moulin* [r], who treat more particularly of them. That which is to our preſent Purpoſe, is only to obſerve, That as this Crime had in it a Mixture of Idolatry, Hereſy, Infidelity, Apoſtacy, Sacrilege, Hypocriſy, Curioſity and Ambition; each one of which was an high Crime in itſelf; ſo the Church was always careful to lay the heavieſt Cenſure of Excommunication upon it. The general Name, under which all the Species of it are condemned, is μαντεία, prophecying, or divining, by *Satans* Inſpiration. In the *Conſtitutions* [s] among thoſe that are to be deny'd Baptiſm, the μάντεις, Oracle-mongers, are particularly ſpecified. And in the Council

[p] Delrio Diſquiſit. Magicæ. [q] Leſſius de Jure & Juſtit. Lib. 2. cap. 43. Dubit. 5. [r] Molinæi Vates. Lib. 3. cap. 6, &c. [s] Conſtit. Lib. 8. cap. 32.

Council of *Ancyra* [*t*] thoſe that follow after ſuch Diviners, οἱ καταμαντευόμενοι, or take them into their Houſes to exerciſe their wicked Arts, are to be excluded from Communion, and do five Years Penance. By a Law of *Conſtantius* [*u*] in the *Theodoſian Code*, the *Vates* and *Harioli*, are reckoned among others who practiſe forbidden Arts, ſuch as Soothſayers, Aſtrologers, Augurs, Chaldeans, Magicians: And both they that uſe ſuch curious Divinations, and they that conſult them, are condemned to die, as guilty of a Capital Crime and Offence againſt Religion. *Gothofred* [*x*] obſerves, That this Law is often mentioned with ſome Regret by the Heathen Writers *Ammianus Marcellinus*, *Mamertinus* and *Libanius*, who give ſome Inſtances of *Conſtantius*'s Severity in putting it in Execution. *Conſtantine* by a former Law or two [*y*] had indulged the Heathen in the Liberty of conſulting their Augurs, provided they did it in Publick, and never put any Queſtions concerning the State of the Common-Wealth or the Life of the Prince; which is noted alſo by *Julius Firmicus Maternas* [*z*] in his Books of *Aſtrology* written whilſt he was an Heathen: But *Conſtantius* finding great Abuſes made of this Permiſſion, univerſally prohibitted all ſuch Conſultations under the formentioned Penalty of Death: Which

[*t*] Conc. Ancyr. can. 25. Vid. Baſil. can. 72. [*u*] Cod. Theod. Lib. 9. Tit. 16. de Malefic. & Mathematicis. Leg. 4. Nemo Aruſpicem conſulat aut Mathematicum, nemo Hariolum. Augurum & Vatum prava confeſſio conticeſcat. Chaldæi ac Magi, & ceteri, quos Maleficos ob facinorum magnitudinem vulgus appellat, nec ad hanc partem aliqui moliantur. Sileat omnibus perpetuo Divinandi Curioſitas. Etenim ſupplicium Capitis feret gladio ultore proſtratus, quicunque juſſis obſequium denegaverit. [*x*] Gothofred. in Loc.

[*y*] Cod. Theod. ibid. Leg. 1 & 2. [*z*] Firmic. de Matheſi ſive Aſtronom. Lib. 2. in fine.

Which extended not only to Magicians, but to the *Harioli* and the *Vates*; the former of which waited in the Altars, to receive their Inſpiration from the fumes of the Sacrifices, as *Tertullian* [*a*] deſcribes them; and the later, the *Vates*, were thoſe who pretended to propheſy by the perpetual Motion of an indwelling *Dæmon*; whom therefore the *Latins* called *Fanatici*, and the *Greeks*, *Enthuſiaſticks*, and ἐνθουσιαστοι, and Θεοφορήμενοι, *&c.* as may be ſeen in *Theodoret* [*b*] and *Suidas* [*c*], and many others. Now becauſe no Chriſtian could Practice this Art, or conſult thoſe that did, without direct communicating with Devils, therefore the Civil Law made it a Capital Crime, and the Eccleſiaſtical Law puniſhed it with the ſevereſt Cenſure of Excommunication.

Sect. 5. *Of* Magical Inchantment *and* Sorcery.

NEXT to the Superſtition of *Divination* was that of *Magick* and *Sorcery*; which becauſe it commonly tended to work Miſchief, therefore they who gave themſelves to it, were uſually termed *Venefici* and *Maleſici*, becauſe either by Poiſon or other Means of *Faſcination* they wrought pernicious Effects upon others. The Laws of the *Theodoſian Code* [*d*] frequently brand them with this Name of *Maleſici*. Particularly they are charged

[*a*] Tertul. Apol. cap. 23. Qui Aris inhalantes Numen de nidore concipiunt. [*b*] Theod. Hiſt. Lib. 4 cap. 10. Ἐνθουσιασαὶ καλοῦνται δαίμονός τινος ἐνέργειαν ἐνδεχόμενοι. &c. [*c*] Suidas. voce, ἐνθὲς. Harmenopulus de Sectis n. 18. de Maſſalianis. [*d*] Cod. Theod. Lib. 9. Tit. 16. de Maleficiis. Leg. 6. Magus qui Maleficus vulgi conſuetudine nuncupatur. It. Leg. 9, 10, 11. ibid. & Tit. 38. de Indulgentiis criminum. Leg. 1, 3, 4, 6, 7, &c.

charged by *Conſtantine* [e] as making Attempts by their wicked Arts upon the Lives of innocent Men, and drawing others by Magical Potions (called *Philtra* and *Pharmaca*) to commit Uncleanneſs. All ſuch, when they are detected, are appointed to be put to Death. *Conſtantius* [f] charges them farther with diſturbing the Elements, or raiſing of Tempeſts, and practiſing abominable Arts in the Evocation of the infernal Spirits to aſſiſt Men in deſtroying their Enemies: Whom he therefore orders to be executed, as unnatural Monſters, and quite diveſted of the Principles of Humanity. And it is obſervable, That in all thoſe Laws of the Chriſtian Emperors, which granted Indulgence to Criminals at the *Eaſter*-Feſtival [g], the *Venefici* and the *Malefici*, that is, Magical Practiſers againſt the Lives of Men, are always excepted, as guilty of too heinous a Crime to be comprized within the general Pardon granted to other Offenders. And according to theſe Meaſures the Laws of the Church were ſtrict and ſevere againſt all ſuch, under whatever Character or Denomination they were found guilty. The Council of *Laodicea* [h] condemns them under the Name of Magicians and Inchanters, together with thoſe called *Mathematici* and

[e] Cod. Theod. Lib. 9. Tit. 16. Leg. 3. Eorum eſt ſcientia punienda, & ſeveriſſimis merito legibus vindicanda, qui Magicis adcincti artibus, aut contra hominum moliti ſalutem, aut pudicos ad libidinem defixiſſe animos detegentur.

[f] Ibid. Leg. 5. Multi Magicis artibus auſi elementa turbare, vitas infontium labefactare non dubitant, & Manibus accitis audent ventilare, ut quiſque ſuos conficiat malis artibus inimicos: Hos, quoniam naturæ peregrini ſunt, feralis peſtis abſumat. [g] Vid. Cod. Theod. Lib. 9. Tit. 38. de Indulgentiis criminum. Leg. 1, 3, 4, 6, 7, 8.

[h] Conc. Laodic. can. 36. Ὁ δεῖ ἱερατικὸς ἢ κληρικὸς, μάγος ἢ ἐπαοιδὸς εἶ, ἢ μαθηματικὸς ἢ ἀστρολόγος, &c.

and Aſtrologers, ordering all ſuch to be caſt out of the Church. The Council of *Ancyra* [*i*] forbids the Art under the the Name of *Pharmacy*, φαρμάκεια, that is, the Magical Art of inventing and preparing Medicaments to do Miſchief: And five Years Penance is there appointed for any one that receives a Magician into his Houſe for that Purpoſe. St. *Baſil*'s Canons [*k*] condemn it under the ſame Character of *Pharmacy* or Witchcraft, and lays thirty Years Penance upon it. And the Fourth Council of *Carthage* cenſures it under the Name of *Inchantment* [*l*], joining it with *Augury*, and denying Communion to all ſuch as follow after either, not to mention what private Writers, *Origen* [*m*], *Tertullian* [*n*], *Hermas Paſtor* [*o*], and many others have ſaid againſt it: *Tertullian* particularly obſerving, That there never was a Magician or Inchanter allowed to eſcape unpuniſhed in the Church.

Sect. 6. *Of* Amulets, Charms *and* Spels *to cure Diſeaſes.*

BUT there was one Sort of *Inchantment*, which many ignorant and ſuperſtitious Chriſtians, out of the Remains of Heathen Error, much affected: That was the Uſe of *Charms* and *Amulets*, and *Spels* to cure Diſeaſes, or avert Dangers and Miſchiefs both from themſelves and the Fruits of the Earth. For *Conſtantine* had allowed the Heathen, in the Beginning of his Re-

[*i*] Conc. Ancyr. can. 25. [*k*] Baſil. can. 7. & 65.
[*l*] Conc. Carth. 4. can. 89. Auguriis vel Incantationibus ſervientem, a conventu Eccleſiæ ſeparandum. [*m*] Orig. cont. Celſ. Lib. 7. p. 378. [*n*] Tertul. de Idol. cap. 9. Poſt Evangelium nuſquam invenies aut Sophiſtas, aut Chaldæos, aut Incantatores, aut Conjectores, aut Magos, niſi plane punitos. [*o*] Hermas Paſt. Lib. 1. Viſion. 3. n. 6. Malefici quidem venena ſua in pyxidibus bajulant.

Reformation, for ſome Time not only to conſult their Augurs in Publick, but alſo to uſe Charms by way of Remedy [p] for bodily Diſtempers, and to prevent Storms of Rain and Hail from injuring the ripe Fruits, as appears from that very Law, where he condemns the other Sort of *Magick*, that tended to do Miſchief, to be puniſhed with Death. And probably from this Indulgence granted to the Heathen, many Chriſtians, who brought a Tincture of Heatheniſm with them into their Religion, might take Occaſion to think there was no great harm in ſuch *Charms* or *Inchantments*, when the Deſign was only, to do good and not evil. However it was, this is certain in Fact, that many Chriſtians were much inclined to this Practice, and therefore made Uſe of *Charms* and *Amulets*, which they called *Periammata* and *Phylacteria*, Pendants and Preſervatives to ſecure themſelves from Danger, and drive away bodily Diſtempers. Theſe Phylacteries, as they called them, were a Sort of *Amulets* made of Ribbands, with a Text of Scripture or ſome other Charm of Words written in them, which they imagined without any natural Means to be effectual Remedies or Preſervatives againſt Diſeaſes. Therefore the Church, to root out this Superſtition out of Mens Minds, was forced to make ſevere Laws againſt it. The Council of *Laodicea* [q] condemns Clergymen that pretended to make ſuch Phylacteries, which were rather

[p] Cod. Theod. Lib. 9. Tit. de Malefic. Leg. 3. Nullis vero criminationibus implicanda ſunt Remedia humanis quæſita corporibus, aut in agreſtibus locis, ne maturis vindemiis metuerentur imbres, aut ruentis grandinis lapidatione quaterentur, adhibita innocenter ſuffragia, quibus non cujuſque ſalus aut exiſtimatio læderetur, ſed quorum proficerent actus, ne divina munera, & labores hominum ſternerentur.

[q] Conc. Laodic. can. 36.

ther to be called Bonds and Fetters for their own Souls, and orders all ſuch as wore them to be caſt out of the Church. St. *Chryſoſtom* often mentions them with ſome Indignation: Upon thoſe Words of the *Pſalmiſt*, *I will rejoice in thy Salvation* [r], he ſays, We ought not ſimply to deſire to be ſaved, and delivered from Evil by any Means whatever, but only by GOD. And this I ſay upon the Account of thoſe who uſe *Inchantments* in Diſeaſes, and ſeek to relieve their Infirmities by other Impoſtures. For this is not Salvation, but Deſtruction. In another Place diſſuading Chriſtians from running to the *Jews*, who pretended to cure Diſeaſes by ſuch Methods, he tells them, That Chriſtians are to obey CHRIST, and not to fly to his Enemies: Though they pretend to make Cures, and promiſe you a Remedy to invite you to them, chuſe rather to diſcover their Impoſtures [s], their Inchantments, their Amulets, their Witchcraft: For they pretend to work Cures no other Way; neither indeed do they work them truly at all, GOD forbid. But I will ſay one Thing farther, although they did work true Cures, it were better to die, than to go to the Enemies of CHRIST, and be cured after that manner. For what Profit is it, to have the Body cured with the Loſs of our Soul? What Advantage, what Comfort ſhall we get thereby, when we muſt ſhortly be ſent into everlaſting Fire? He there propoſes the Example of *Job*, and *Lazarus*, and the infirm Man who had waited at the Pool of *Betheſda* Thirty and eight Years, who never betook themſelves to any Diviner, or Inchanter, or Jugler, or Impoſtor: They tied no *Amulets* nor

[r] Chryſ. in Pſal. 9. 15. T. 3. p. 137. [s] Chryſ. Hom. 6. cont. Judæos. T. 1. p. 56. ἀναπαλιν ἀυτῶν τὰς μαγγανείας, τὰς ἐπωδὰς, τὰ περιάμματα, τὰς φαρμακείας, &c.

nor Plates to their Bodies, but expected their Help only from the LORD: And *Lazarus* choſe rather to die in his Sickneſs and Sores, than betray his Religion in any wiſe, by having Recourſe to thoſe forbidden Arts for Cure. This he reckons a Sort of Martyrdom [*t*], when Men chuſe rather to die, or ſuffer their Children to die, than make Uſe of *Amulets* and *Charms*: For though they do not Sacrifice their Bodies with their own Hands, as *Abraham* did his Son, yet they offer a mental Sacrifice to GOD. On the contrary, he ſays, the Uſe of *Amulets* was Idolatry, though they that made a Gain by it, offered a Thouſand Philoſophical Arguments to defend it, ſaying we only pray to GOD, and do nothing more; and, the old Woman that made them was a Chriſtian and a Believer, with other ſuch like Excuſes. If thou art a Believer, ſign thyſelf with the Sign of the Croſs: Say, This is my Armour, this my Medicament; beſide this I know no other. Suppoſe a Phyſician ſhould come, and inſtead of Medicines belonging to his Art ſhould uſe *Inchantment* only: Would you call him a Phyſician? No, in no Wiſe: Becauſe we ſee not Medicines proper to his Calling: So neither are your Medicines proper to the Calling of a Chriſtian. He adds, That ſome Women put the Names of Rivers into their *Charms*; and others Aſhes, and Soot, and Salt, crying out, That the Child was taken with an Evil Eye, and a Thouſand ridiculous Things of the like Nature, which expoſed Chriſtians to the Scorn of the Heathen, many of whom were wiſer than to hearken to any ſuch fond Impoſtures. Upon the whole Matter he tells

[*t*] Chryſ. Hom. 8. in Coloſ. p. 1374. ἐνόσησεν, ἐκ ἐποίησε φάρμακα, μᾶλλον αὐτῷ λογίζεσθω.

tells them, that if he found any henceforward that made *Amulets* or *Charms*, or did any other Thing belonging to this Art, he would no longer ſpare them: Meaning, that they ſhould feel the Severity of Eccleſiaſtical Cenſure for ſuch Offences. In other Places [*u*] he complains of Women that made Phylacteries of the Goſpels to hang about their Necks. And the like Complaints are made by St. *Baſil* [*x*], and *Epiphanius* [*y*]. Which ſhews that this Piece of Superſtition, of trying to cure Diſeaſes without Phyſick, was deeply rooted in the Hearts of many Chriſtians.

THE Church indeed often cured Diſeaſes without Phyſick, but then it was in the ſame Way that ſhe diſpoſſeſſed Devils, and wrought many Miracles for the Good of the World, by the Power of CHRIST, and Invocation of his Name. She did nothing, as *Irenæus* [*z*] ſays, by Invocation of Angels, or *Inchantment*, or any other Curioſity, but by directing her Prayers, pure and clean, and openly to the GOD that made all Things; and by Invocating the Name of the Lord JESUS CHRIST, ſhe wrought Miracles for the Benefit of Men, and not for their Seduction. This was the Difference between Hereticks and the Church: Hereticks commonly made uſe of *Inchantment*, as is noted particularly by *Irenæus* concerning the *Baſilidians* [*a*],

[*u*] Chryſ. Hom. 73. in Mat. p. 627. [*x*] Baſil. in Pſal. 45. p. 229. [*y*] Epiphan. Hær. 15. de Phariſæis. [*z*] Iren. Lib. 2. cap. 57. Nec Invocationibus Angelicis facit, nec Incantationibus, nec aliqua prava Curioſitate, ſed munde & pure & manifeſte Orationes dirigens ad Dominum, qui omnia fecit; & nomen Domini noſtri Jeſu Chriſti invocans, virtutes ſecundum utilitates hominum, ſed non ad ſeductionem perficit. [*a*] Iren. Lib. 1. cap. 23. Utuntur hi Magia & Incantationibus & Invocationibus & reliqua univerſa Periergia, &c.

who had their Images, which they uſed as *Amulets*, having the Name of *Abraxas* or *Abracadabra*, or as *Baronius* [*b*] thinks, the Names of their Three-Hundred Sixty-five Heavens, anſwering to the like Number of Members in human Bodies, written upon them. And St. *Auſtin* complains that ſome of Satan's Inſtruments, who profeſſed the Exerciſe of theſe Arts, were uſed to ſet the Name of CHRIST [*c*] before their *Ligatures*, and *Inchantments*, and other Devices, to ſeduce Chriſtians, and induce them to take the venemous Bait under the Covert of a ſweet and honey-Potion, that the bitter might lie hid under the ſweet, and make Men drink it without diſcerning, to their Deſtruction. To ſuch he gives this Advice, to ſeek CHRIST only in the Way which he has appointed. When we are afflicted with Pains in our Head, let us not run to Inchanters, and Fortune-tellers, and Remedies of Vanity. I mourn for you, my Brethren: For I daily find theſe Things done. And what ſhall I do? I cannot yet perſuade Chriſtians to put their Truſt only in CHRIST. With what Face can ſuch a Soul go unto GOD, that has loſt the Sign of CHRIST, and taken upon him the Sign of the Devil? In another Place, he bids [*d*] them, when they are ſick, to receive the Body and Blood of

[*b*] Baron. an. 120. n. 10. [*c*] Aug. Tract. 7. in Joan. T. 9. p. 27. Qui ſeducunt per Ligaturas, per Præcantationes, per Machinamenta inimici, miſcent Præcantationibus ſuis nomen Chriſti: Quia jam non poſſunt ſeducere Chriſtianos, ut dent venenum, addunt mellis aliquantum, ut per id quod dulce eſt, lateat quod amarum eſt, & bibatur ad perniciem. [*d*] Aug. Serm. 215. de Tempore. Cum ergo duplicia bona poſſint in Eccleſia inveniri, quare per Præcantatores, per Fontes, & Arbores, & diabolica Phylacteria, per Characteres & Aruſpices & Divinos Sortilegos multiplicia ſibi mala miſeri homines conantur inferre? Vid. Lib. 2. de Doct. Chriſt. cap. 20. *in the laſt Section of this Chapter.*

of CHRIST, and anoint themſelves with that Unction, which may prove beneficial both to Body and Soul. For when they may have a double Advantage in the Church, why ſhould miſerable Men endeavour to bring upon themſelves ſuch Multiplicity of Evils by running to Inchanters, and Fountains and Trees, and diabolical Phylacteries, and Characters, and Soothſayers, and Diviners, and Fortune-tellers? He mentions many other Superſtitions of the like Nature, which were the Remains of Heatheniſm, ſuch as the ſacrilegious Cuſtom uſed about the Hind, their crying out when the Moon was eclipſed to defend themſelves from Witchcraft, their keeping *Thurſday* Holiday in Honour of *Jupiter*; concerning all which he concludes, That they who ſtill continued to follow ſuch Vanities, ought to be reproved [*e*] by their Fellow-Chriſtians; and if after that, they did not amend their Ways, they ſhould thenceforward baniſh them from all Society both in eating and Converſation. Some think this Homily rather belongs to *Cæſarius Arelatenſis*; and if ſo, it only ſhews, that this Crime prevailed among ſome in *France*, as it did for many Ages after: Which appears from the *Capitulars* of *Charles the Great* [*f*], where Decrees were made againſt Calculators, Inchanters, and Tempeſtarians, as they are called, that is, Raiſers of Storms and Tempeſts, and Obligators, or Makers of Phylacteries to bind about the Neck. Who are alſo

[*e*] Ibid. Quoſcunque tales eſſe cognoveritis, duriſſime caſtigate. Et ſi emendare noluerint, nec ad Colloquium, nec ad Convivium veſtrum eos venire permittite.

[*f*] Capitul. Aquiſgran. Lib. 1. cap. 64. Conc. T. 7. p. 984. Calculatores, Incantatores, Tempeſtarij, vel Obligatores non fiant: Et ubicunque ſunt, vel emendentur vel damnentur.

noted and condemned in the Council of *Rome* [g] under *Gregory* II. *An.* 721. and in the Council of *Trullo* [h], which forbids any one to conſult Diviners, or thoſe called *Centenarij*, or any ſuch, to diſcover Secrets, under the Penalty of ſix Years Penance, according to the Rules of the ancient Fathers. And the ſame Penalty is impoſed upon thoſe who carry about She-Bears πρὸς παίγνιον, to the Deluſion and Hurt of the People, and uſe the Words, Fortune, and Fate, and Genealogy, and ſuch like Names to impoſe upon the Simple. Alſo all Obſervers of the Clouds, and Juglers, and Makers of Phylacteries [i] and Diviners, perſiſting in their heatheniſh and pernicious Practices, are ordered to be caſt out of the Church. *For what Communion*, ſays the Apoſtle, *hath Light with Darkneſs? And what Agreement hath the Temple of God with Idols? And what Part hath he that believeth with an Infidel? And what Concord hath Chriſt with* Belial? It is plain from this, there were ſtill ſome Remains of heatheniſh Superſtition and Idolatry among Chriſtians, eſpecially in the Uſe of Phylacteries and Divining, and other ſuch vain Obſervations. But it is hard to gueſs, what are meant by Centurions, who are here joined with Diviners, and forbidden to be conſulted. There is a Law of *Honorius* [k] in the *Theodoſian*

[g] Conc. Rom. can. 12. Si quis Hariolos, Aruſpices, vel Incantatores obſervaverit, aut Phylacteriis uſus fuerit, anathema ſit. Vid. Capitul. Martin. Bracarenſis. cap. 72.

[h] Conc. Trull. can. 61. οἱ μάντεσιν ἑαυτοὺς ἐκδιδόντες, ἢ τοῖς λεγομένοις ἐκατονταέρχαις, &c. ὑπὸ τὸν κανόνα πιπτέτωσαν τῆς ἐξαετίας. [i] Ibid. τοὺς τε λεγομένους νεφελοδιώκτας, γοητευτὰς, ἢ φυλακτηρίους, ἢ μάντεις --- παντάπασιν ἀποείπτεσθαι τῆς ἐκκλησίας δείζομεν. [k] Cod. Theod. Lib. 16. Tit. 10. de Paganis. Leg. 20. Chiliarchas inſuper & Centonarios, vel qui ſibi plebis diſtributionem uſurpare dicuntur, cenſuimus removendos.

ſian Code, which *Gothofred* thinks may give a little Light to this Canon. For there the *Chiliarchæ* and *Centonarii*, Captains of Thouſands, and Captains of Hundreds, are plainly ſpoken of as Leaders of the People, and Managers in ordering the idolatrous Pomps of the *Gentiles*; being joyned with the *Frediani* and *Dendrophori*, which he ſhews to be thoſe Officers in the Pomp, who carry'd the Images of the Gods on their Shoulders in Proceſſion. They were the Chief of certain Corporations or Companies, who are mentioned in another Law of *Honorius* under the Names of *Collegiati* and *Vituriarii* (or *Didumarii*) the Officers of *Apollo Didumæus*; and *Nemeſiaci*, the Officers of the Goddeſs *Nemeſis*, Good Fortune, and the Diſpenſer of Fate; and *Signiferi* and *Cantabrarii*, who carry'd the Enſigns and Banners of their Gods in their Pomps, and Games, and Feſtivals [*l*]. And theſe, as *Gothofred* ſhews out of *Commodianus* [*m*] a Chriſtian Poet, pretended to divine and tell Fortunes, as inſpired by the Gods: and they incorporated others into theſe Colleges, as principal Officers in theſe Pomps; whence they were called *Chiliarchæ* and *Hecatontarchæ*, Captains of Thouſands, and Captains of Hundreds. All which agrees with the Canon of the Council of *Trullo*, which joyns the *Hecatontarchæ* with the *Vates*, or Diviners, and makes them Fortune-Tellers, talking much of Fortune and Fate, and Genealogies or Nativities, to deceive the People. They who carry'd about She-Bears or other Animals, *Balza-*

[*l*] Vid. Cod. Theod. Lib. 14. Tit. 7. de Collegiatis. Leg. 2. & Gothofred. in Loc. [*m*] Commodian. Inſtruct. ad calcem Cypriani edit. Rigaltii. Mane ebrio, crudo, perituro, creditis viro, Qui ex arte ficte loquitur, quod illi videtur. Ipſe ſibi neſcit divinare, cæteris audet. Vertitur a ſe rotans cum ligno bifurci, Ac ſi putes illum afflatum numine ligni.

mon ſays, were ſuch Impoſtors as pretended, that the Hairs of thoſe Bears, or Toys ty'd to them, were Remedies againſt Witchcraft. And ſo the Council forbids all theſe Ways of making and uſing Charms and Amulets, as the Relicks of Heathen Superſtition, ſtill remaining among the weaker and baſer Sort of Chriſtians. I have been the more curious in Searching into the true Meaning of this Canon, becauſe it is paſſed over in Silence by moſt Commentators, and the Reader with me muſt own himſelf beholden to the Learned *Gothofred* for the Explication of it.

Sect. 7. *Of the* Præſtigiæ *or falſe Miracles wrought by the Power of Satan.*

THERE is another Sort of Impoſtors mentioned in the ſame Canon under the Name of γοητευσάι, which is a general Name for all that uſe Tricks and Impoſtures; but here it is taken in a more reſtrained Senſe, for ſuch as pretended to work Miracles by the Power of *Magick*, ſuch as *Jannes* and *Jambres* among the *Egyptians*, and *Simon Magus* among the *Jews*, and *Apollonius Tyanæus* and other Impoſtors among the *Gentiles*. They are otherwiſe called Θαυμαλοποιοὶ and Ψηφάδες [n] by the *Greeks*, and *Præſtigiatores* by the *Latin* Writers. Their Tricks were chiefly ſhewed in making falſe Appearances of Things, and impoſing upon Men by the Deluſion of the outward Senſes. The ancient Author of the *Recognitions* deſcribes their Art [o] in the Perſon of *Simon Magus*, whom he brings in giving himſelf

[n] Theod. in 2 Theſ. 2. 9. ἐκ ἀληθῆ θαύμαλα ποιῆσι οἱ ἀπὸ τῆ ψήφων τὰς ἐπωνυμίας ἔχοντες. Athanaſius, Quæſt. 124. ad Antioch. οἱ λεγόμενοι ψηφάδες, ἃ πάλιν αὐτὸς ὁ ἀντίχειςΘ ἐπιχώνωΘ, ἐν φανλασία παλαιᾷ τῆ ὀφθαλμῆ τῆ ἀνθρώπων. Suidas voce ψηφολόγοι. Capitular. Aquiſgran. Lib. 1. cap. 64. Calculatores, Incantatores, Tempeſtarij, &c. [o] Recognit. Lib. 2. n. 9. ap. Coteler. p. 506.

himſelf this Vain-glorious Character: I can make myſelf diſappear to thoſe that would apprehend me, and again, I can appear when I pleaſe; when I am minded to fly, I can paſs through Mountains and Stones, as through the Mire; when I caſt myſelf Headlong from a Precipice, I am carry'd as if I were Sailing to the Earth without Harm; when I am bound, I can looſe myſelf, and bind them that bound me; when I am cloſe ſhut up in Priſon, I can cauſe the Doors to open of their own accord; I can give Life to Statues, and make them appear as living Men; I can make Trees grow ſuddenly out of the Earth, and raiſe up Plants in a Moment; I can throw myſelf into the Fire, and not be burnt; I can change my Countenance, ſo as not to be known; yea, I can ſhew myſelf with two Faces unto Men: I can make myſelf a Sheep or a Goat; I can give little Children a Beard; and fly in the Air; I can ſhew much Gold, or turn Lead into Gold; I can ſet up Kings, and dethrone them at Pleaſure. Now *Tertullian* [*p*] obſerves, That *Simon Magus*, for theſe juggling Practices, and Miracles belonging to his Profeſſion, was anathematized by the Apoſtles, and caſt off as an Alien from the Faith. And all ſuch Sophiſters, as he terms them, had ever the ſame Fate from the Beginning of the *Goſpel*. Which Obſervation of *Tertullian*'s is moſt certainly true, and might be confirmed by Abundance of Inſtances in ancient Story; and eſpecially of *Hereſiarchs*, or

[*p*] Tertul. de Idol. cap. 9. Exinde & Simon Magus jam Fidelis, quoniam aliquid adhuc de Circulatoria ſecta cogitaret, ut ſcilicetinter Miracula Profeſſionis ſuæ etiam Spiritum Sanctum per manuum impoſitionem enundinaret, maledictus ab Apoſtolis de Fide ejectus eſt.—— Et poſt Evangelium nuſquam invenias Sophiſtas, niſi plane punitos.

Founders of new Hereſies, who pretended commonly to work Miracles and Wonders, to gain a Reputation to their novel Opinions. I will only mention one or two that were famous in this Kind. The Heretick *Marcus*, the Father of the *Marcoſians*, is thus deſcribed by an ancient Author, who wrote before the Time of *Irenæus* [q] in theſe Words: O *Marcus* thou Idol-Maker and Wonder-Worker, Empirick in *Aſtrology* and Art of *Magick*, by which thou doſt propagate thy ſeducing Doctrines, making a Shew of Signs and Miracles to them that are led into Error by thee, which are the Works of the Apoſtate Power, Satan thy Father inables thee to do by the Angelical Power of *Azazel*, uſing thee as the Fore-runner of the Antichriſtian Deceit. And *Irenæus* [r] himſelf takes notice of one of his juggling Tricks, which was, That when he pretended to conſecrate the *Euchariſt* in a Cup of Wine and Water, he made it appear of a Purple and Red Colour, by a long Prayer of Invocation, that it might be thought the Grace from Above diſtilled the Blood into the Cup by his Invocation. Such another Impoſture is mentioned by *Firmilian* in his Letter to *Cyprian*, where he ſpeaks of a Woman who pretended to be inſpired by the Holy Ghoſt, but was really acted by a diabolical Spirit [s], by which ſhe counterfeited Ecſtaſies, and pretended to prophecy, and wrought many wonderful and ſtrange Things, and boaſted that ſhe would cauſe the Earth to move. Not that the Devil has ſo great Power, either to move the Earth, or ſhake the Element by his Command;

[q] Iren Lib. 1. cap 12. [r] Iren. Lib. 1. cap. 9.

[s] Firmil. Ep. 75. ad Cypr. p. 222. Emerſit ſubito quædam mulier, quæ in Extaſi conſtituta, Propheten ſe præferret, & quaſi Sancto Spiritu plena ſic ageret.— Mirabilia quædam ac portentoſa perficiens, & facere ſe terram moveri pollicereture. Non quod Dæmoni tanta eſſet poteſtas, &c.

mand; but the wicked Spirit fore-ſeeing and underſtanding that there will be an Earthquake, pretends to do that which he foreſees will ſhortly come to paſs. And by theſe Lyes and Boaſtings, the Devil ſubdued the Minds of many to obey him, and follow him whereſoever he was pleaſed to command or lead them. And he made that Woman walk bare-foot through the Snow in the Depth of Winter, and feel no Trouble or Harm by running about after this Faſhion. But at laſt, after having played many ſuch Pranks, one of the Exorciſts of the Church diſcovered her to be a Cheat, and ſhewed that it was a wicked Spirit, which before was thought to be the Holy Ghoſt. There are many other ſuch Inſtances in the Hiſtory of the *Montaniſts* [*t*] and *Pepuzians*, and the *Apellians* and *Severians* [*u*] mentioned by St. *Auſtin* and other Writers: But theſe are ſufficient to ſhew what Pretences were commonly made by Hereticks to the Power of Working Miracles, which the Church, apprehending them to be wrought by the Power of Satan, and not by the Holy Spirit, rejected as Impoſtures, and puniſhed the Pretenders with the ſevereſt of her Cenſures. For ſo *Euſebius* [*x*] out of *Apollinaris* particularly tells us of the *Montaniſts*, That their new Propheſies being judged impious and profane, their Doctrine was condemned, and the Authors expelled from the Communion of the Church, as Enthuſiaſts and Demoniacks, who were always excluded from the Participation of the Holy Myſteries, whilſt they remained under the Power and Agitation of Satan. St. *Baſil* [*y*] appoints the ſame Penance for thoſe who profeſs *Conjuration*,

[*t*] Vid. Aug. de Hæreſ. cap. 26. Euſeb. Lib. 5. cap. 13.
[*u*] Aug. ibid. cap. 25. Euſeb. Lib. 5. cap. 14, & 16.
[*x*] Euſeb. Lib. 5. cap. 16. [*y*] Baſil. Can. 65.

ration, γονῆας, as for thoſe who are guilty of Murder, that is, twenty Years in ſeveral Stations of Repentance.

Sect. 8. *Of Obſervation of Days and Accidents, and making Preſages and Omens upon them.*

THERE was one Piece of Superſtition more, which the Ancients frequently cenſure as a Breach of Mens Baptiſmal Vow, and Part of the Pomp and Service of Satan, which they profeſs'd to renounce in Baptiſm. This was, the Obſervation of Days and Accidents, as lucky or unlucky, and making Preſages and Omens upon them. St. *Chryſoſtom* [z] has a large Invective againſt this Sort of Superſtition. The Pomps of Satan, ſays he, are the Theatre and the Games of the *Cirque*, together with the Obſervation of Days, and Preſages and Omens. And what are Omens? Why? ſuppoſe when a Man goes firſt out of his Doors, he meets a Man that has but one Eye, or is lame, he reckons this ominous, or foreboding ſome ill Fortune to him. This is Part of the Pomps of Satan. For the Meeting of a Man does not make the Day evil, but the ſpending of it in Sin. Keep from Sin, and the Devil himſelf cannot hurt you: But if you make Preſages upon meeting of a Man, you diſcern not the Devil's Snare, who makes you without Reaſon an Enemy to one who has done you no Harm. But there is one Thing more ridiculous than this, which I am aſhamed to ſpeak, and yet I muſt mention for your Salvation. If a Man meets a Virgin, he cries out preſently, This will be a fruitleſs Day with me: But if he meets an Harlot, it will be a good and lucky Day, and

[z] Chryſ. Hom. 21. ad Pop. Antioch. T. 1. p. 274. πόμπη σατανικὴ ἔστι θέατρα καὶ ἱπποδρομίαι, καὶ φυλάξεις ἡμερῶν καὶ κληδόνες καὶ σύμβολα. *See alſo* Hom. 23. de Noviluniis. *cited before.* Chap. iv. n. 17. & Comment. in Galat. 1. p. 973.

and bring him in great Gain and Advantage. See how the Devil here hides his Craft, to make us abhor a Chaſte and Modeſt Woman, and love an impudent Harlot. But what ſhall a Man ſay of thoſe who uſe *Inchantments* and *Ligatures*, binding the braſen Medals of *Alexander the Great* about their Heads or Feet? Are theſe, I pray, the Hopes of a Chriſtian, that after the Croſs and Death of our LORD, we ſhould place our Hopes of Salvation or Health in the Image of an Heathen King? Know you not what great Things the Croſs has done? How it has deſtroyed Death, aboliſhed Sin, taken away the Force of Hell and the Grave, and diſſolved the Power of Death? And canſt thou not truſt it for curing thy bodily Diſtempers? It has raiſed the whole World from the Dead, and canſt not thou confide in it? But thou doſt not only ſeek after ſuch *Ligatures*, but *Inchantments*, entertaining old drunken and ſtaggering Women in thy Houſe for this Purpoſe. And the Apology you make for ſo doing, is worſe than the Error itſelf. The Woman, ſay you, who makes the *Charm*, is a Chriſtian, and ſhe does nothing but make uſe of the Name of GOD. For that very Reaſon I the more deteſt and abhor her, becauſe ſhe uſes the Name of GOD to diſhonour and reproach it; becauſe ſhe is called a Chriſtian, and does the Works of an Heathen. The Devils confeſſed the Name of GOD, yet they were Devils for all that: They ſaid to CHRIST, *We know thee who thou art, the Holy One of God*, yet notwithſtanding he rebuked them and caſt them out. Wherefore I beſeech you, keep yourſelves pure from this Deceit, and let this word (I renounce thee Satan) be your Staff. As you would not go into the Market without your Shoes and Clothes, ſo never go forth of your Doors without firſt uſing this Word, I renounce

thee

thee Satan, and thy Pomp and Service, and I make a Covenant with thee, O CHRIST. Go no where without this Word, and it will be your Staff, your Armour, your impregnable Tower. Join with this Word the Sign of the Croſs in your Forehead, and ſo not only the Meeting of any Man, but the Devil himſelf cannot hurt you. St. *Auſtin* gives a like Caution againſt this Sort of ſuperſtitious Obſervations. To this Kind [*a*] ſays he, belong all *Ligatures* and Remedies, which the School of Phyſicians reject and condemn, whether in *Inchantments*, or in certain Marks, which they call Characters, or in other Things that are to be hanged and bound about the Body, and kept in a dancing Poſture, not for any Temperament of the Body, but for certain Significations either Occult or Manifeſt: Which by a gentler Name they call phyſical, that they may not ſeem to affright Men with the Appearance of Superſtition, but do good in a natural Way: Such are Ear-rings hanged upon the Tip of each Ear, and Rings made of an *Oſtriches* Bones for the Fingers, or when you are told in a Fit of the Convulſions or Shortneſs of Breath, to hold your Left Thumb with your Right Hand. To which may be added a Thouſand vain Obſervations, as, if any of our Members beat; if when two Friends are walking together, a Stone, or a Dog, or a Child happens to come between them: They tread the Stone to Pieces, as the Divider of their Friendſhip, and this is tolerable in Compariſon of beating an innocent Child that comes between them. But it is more pleaſant, that ſometimes the Childrens

[*a*] Aug. de Doct. Chriſt. Lib. 2. cap. 20. Ad hoc genus pertinent etiam omnes Ligaturæ, atque Remedia, quæ Medicorum quoque Diſciplina condemnat. &c. It. Enchirid. c. 79. Magnum peccatum dies obſervare & menſes & tempora & annos, &c.

drens Quarrel is revenged by the Dogs; for many Times they are ſo ſuperſtitious, as to dare to beat the Dog that comes between them, who turning again upon him that ſmites him, ſends him from ſeeking a vain Remedy to ſeek a real Phyſician indeed. Hence proceed likewiſe thoſe other Superſtitions: For a Man to tread upon his Threſhold when he paſſes by his own Houſe: To return back to Bed again, if he chance to ſneeze whilſt he is putting on his Shoes: To return into his Houſe, if he ſtumble at his going out: If the Rats gnaw his Clothes, to be more terrified with the Suſpicion of ſome future Evil, than concerned for his preſent Loſs. He ſays, *Cato* gave a wiſe and ſmart Anſwer to ſuch an one, who came in ſome Conſternation to conſult him about the Rats having gnawed his Stockins: That, ſaid he, is no great Wonder, but it would have been a Wonder indeed, if the Stockins had gnawed the Rats. St. *Auſtin* mentions this witty Anſwer of a wiſe Heathen, to convince Chriſtians the better of the Unreaſonableneſs and Vanity of all ſuch ſuperſtitious Obſervations. And he concludes [*b*], That all ſuch Arts, whether of trifling or more noxious Superſtition, are to be rejected and avoided by Chriſtians, as proceeding originally from ſome pernicious Society between Men and Devils, and being the Compacts and Agreement of ſuch a treacherous and deceitful Friendſhip. The Apoſtle forbids us to have Fellowſhip with Devils: And that, he ſays, reſpects

[*b*] Ibid. cap. 23. Omnes igitur artes hujuſmodi vel nugatoriæ vel noxiæ ſuperſtitionis, ex quadam peſtifera ſocietate hominum & Dæmonum, quaſi Pacta infidelis & doloſæ amicitiæ conſtituta, penitus ſunt repudianda & fugienda Chriſtiano, &c. Vid. plura ap. Gratian. Cauſ. 26. Quæſt. 7. cap. 15 & 16. Non obſervetis dies qui dicuntur Ægyptiaci, &c.

reſpects not only Idols and Things offered to Idols, but all imaginary Signs pertaining to the Worſhip of Idols, and alſo all Remedies and other Obſervations, which are not appointed publickly by GOD to promote the Love of GOD and our Neighbour, but proceed from the private Fancies of Men, and tend to corrupt the Hearts of poor deluded Mortals. For theſe Things have no natural Vertue in them, but owe all their Efficacy to a preſumptuous Confederacy with Devils: And they are full of peſtiferous Curioſity, tormenting Anxiety, and deadly Slavery. They were firſt taken up, not for any real Power to be diſcerned in them, but gained their Power by Mens obſerving them. And therefore by the Devil's Art they happen differently to different Men according to their own Apprehenſions and Preſumptions. For the great Deceiver knows how to procure Things agreeable to every Man's Temper, and inſnare him by his own Suſpicions and Conſent. As this is an excellent Account of theſe ſuperſtitious Obſervations, ſo it ſeems to intimate, that ſome Difference was made between the Profeſſors of theſe Arts, and thoſe who through Ignorance were deluded by them: And therefore though the former might fall under the ſevereſt Diſcipline of the Church, yet the latter ſeem rather to have been chaſtiſed by Admonitions and Rebukes, as here by St. *Auſtin* and St. *Chryſoſtom*, and not to have incurred the higheſt Cenſure of Excommunication, becauſe of their Simplicity, and perhaps becauſe of the Numbers of thoſe who were daily inclined to mind ſuch Obſervations of Days and Accidents, without conſidering either the Original of the Superſtition, or the Miſchief thereby done to Piety and Reigion. I have inſiſted a little longer upon theſe Things, becauſe it is to be feared, there

is

is always Reaſon for a ſerious Caution againſt ſuch Superſtitions, which are apt to creep upon unwary Men in all Ages of the Church.

CHAP. VI.

Of Apoſtacy into Judaiſm *and* Paganiſm, *of* Hereſy *and* Schiſm, Sacrilege *and* Simony.

Sect. 1. *Of ſuch as apoſtatized totally from Chriſtianity to* Judaiſm.

BESIDES the forementioned Crimes againſt the firſt and ſecond Commandments, there were a great many others worth our Obſervance, as bringing Men under the ſevereſt Cenſures of the Church. Among theſe the Diſpoſition which many ſhewed toward the antiquated Religion and Ceremonies of the *Jews*, is often taken Notice of by the Ancients in their Accounts of Church-Diſcipline. And of theſe we may obſerve Three Sorts or Degrees. Some entirely abandoned the Chriſtian Religion, and went totally over to the *Jews*; Others mingled the *Jewiſh* Ceremonies and ſome of their Doctrines with the Chriſtian Religion; and others complied ſo far with them as to communicate with them in many of their unlawful Practices, though they made no formal Profeſſion of their Religion. Of the firſt Sort was *Aquila* the Tranſlator of the Bible, who at firſt was a Chriſtian, as *Epiphanius* [a] informs us, till being expelled from the Church for adhering to *Aſtrology*, he fled over to the *Jews* and took Sanctuary among them, ſetting about a new Tranſlation of the *Bible* in

[a] Epiphan. de Ponder. & Menſur. n. 15. T. 2. p. 171.

in Spite to the Chriſtians. And ſuch were many in the Days of *Barchochab* the great Impoſtor, who compelled many Chriſtians to deny and curſe CHRIST, as *Juſtin Martyr* [b] acquaints us. Now though the *Imperial Laws* allowed thoſe that were originally *Jews* the Freedom of their Religion, and many Privileges for a long time under the Reigns of Chriſtian Emperors, yet they ſeverely prohibited any Chriſtian going over to them, and laid very great Penalties upon all ſuch Apoſtates. *Conſtantine* [c] left it to the Diſcretion of the Judges to puniſh ſuch Apoſtates with Death, or any other condign Puniſhment. His Son *Conſtantius* [d] ſubjected them to Confiſcation of Goods. And *Valentinian* Junior [e] laid upon 'em the Penalty of being Inteſtate, denying them and all other Apoſtates the Privilege of Diſpoſing of their Eſtates by *Will*. And in Compliance with theſe Laws of the State, the Church after ſhe had anathematized ſuch Apoſtates, ſhewed her Deteſtation of them farther in denying them the Privilege of being accepted as credible Witneſſes in any of her Courts of Judicature. For he cannot be faithfull to Man, ſays the 4th Council of *Toledo* [f], who has been unfaithfull to GOD. Therefore thoſe *Jews*, who were heretofore Chriſtians, and now prevaricate

[b] Juſtin. Apol. 2. p. 72. [c] Cod. Theod. Lib. 26. Tit. 8. De Judæis. Leg. 1. Si quis ex populo ad eorum nefariam ſectam acceſſerit, & Conciliabulis eorum ſe applicaverit, cum ipſis Pœnas meritas ſuſtinebit. [d] Ibid. Leg. 7. Si quis ex Chriſtiano Judæus effectus —— facultates ejus dominio Fiſci juſſimus vindicari. [e] Cod. Theod. Lib. 16. Tit. 7. De Apoſtatis. Leg. 3. [f] Conc. Tolet. 4. can. 63. Non poteſt erga homines eſſe fidelis, qui Deo extiterit infidelis. Judæi ergo, qui dudum Chriſtiani effecti ſunt, & nunc Chriſti fidem prævaricati ſunt, ad teſtimonium dicendum admitti non debent, quamvis eſſe ſe Chriſtianos annuncient: Quia ſicut in Fide Chriſti ſuſpecti ſunt, ita in Teſtimonio humano dubii habentur, &c.

prevaricate from the Faith of CHRIST, ought not to be admitted to give Teſtimony, although they call themſelves Chriſtians: Becauſe as they are ſuſpected in the Faith of CHRIST, ſo their Credit ought to be queſtioned in human Teſtimony. Therefore their Evidence is of no Force, ſeeing they have falſified in the Faith; neither is any Credit to be given to them, who have caſt off the Word of Truth.

Sect. 2. *Of ſuch as mingled the* Jewiſh *Religion and the* Chriſtian *together.*

ANOTHER Sort there were, who did not wholly caſt off the Chriſtian Religion, but made up a new Religion for themſelves by a Mixture of both together. Such a Miſcellany, was the Hereſy of the *Nazarenes*, and thoſe of the *Ebionites*, and *Cerinthians*, and *Elceſaites*, and *Sampſeans*, who obſerved Circumciſion, and other Rituals of the Jewiſh Law, together with ſo much as they retained of the Chriſtian; as may be ſeen in the Accounts which St. *Auſtin* [g] and other ancient Writers give of them. And *Gothofred* thinks the *Cælicolæ*, who are ſpecified and condemned in two or three Laws of *Honorius* in the *Theodoſian Code*, were a Mongrel Sect of the ſame Nature. They joyn'd Circumciſion and Baptiſm together; agreeing both with *Jews* and *Chriſtians* in rejecting Idols, and Worſhipping only Heaven, that is, the GOD of Heaven, whence they had the Title of *Cælicolæ*; but in this they agreed with the *Jews* only, That they rejected the Doctrine of a Trinity in the Godhead, and only worſhipped GOD in One Perſon. In which reſpect the *Sabellians* alſo, and *Paulianiſts*, and *Praxeans*, and *Theodotians*, and *Arians*, and *Photinians*, who either deny'd the Divinity of CHRIST, or confounded the Three Divine Perſons into One,

[g] Aug. de Hæreſ. cap. 8, 9, 10, & 32.

are commonly charged by the Ancients as flying back to *Judaiſm* in this Point, whilſt they ſubverted the true Doctrine of the Chriſtian TRINITY by their heterodox Innovations. 'Tis particularly remarked by Learned Men [*h*] concerning *Paulus Samoſatenſis*, That the true Reaſon why he deny'd the Divinity of CHRIST, was to compliment Queen *Zenobia*, who was a Jewiſh Proſelyte: For he thought, that by reducing CHRIST to be a mere Man, he might reconcile both Religions, and take away the Partition-Wall that divided the *Jews* and *Chriſtians*, nothing being ſo great an Offence to the *Jews*, as that CHRIST was owned by his Diſciples to be GOD. There was another Sect which called themſelves *Hypſiſtarians*, that is, Worſhippers of the Moſt High GOD, whom they worſhipped, as the *Jews*, only in One Perſon: And they obſerved their Sabbaths, and uſed Diſtinction of Meats, clean and unclean, though they did not regard Circumciſion, as *Gregory Nazianzen* [*i*], whoſe Father was once one of this Sect, gives the Account of them. Now 'tis certain, the Church never allowed any of theſe Miſcellaneous Doctrines, or Mongrel Sects; but condemned them all as Hereticks, and excluded them from her Communion. And the Laws of the State were particularly ſevere againſt the *Cœlicolæ*, thoſe who joyn'd Circumciſion and Baptiſm together, there being Three Laws of *Honorius* in the *Theodoſian Code* directly formed againſt them. In the firſt of which he ranks them with the *Donatiſts*, and *Manichees*, and *Priſcillianiſts* and *Heathens*; ordering all general Penal Laws againſt Hereticks to be put in Execution againſt them;

[*h*] Maurice's *Anſwer to* Baxter's *Church Hiſt.* p. 287. Baron. an. 265. n. 1. [*i*] Naz. Orat. 19. in Funere Patris. T. 1. p. 289.

them; and particularly appointing, that the Houſes of the *Cælicolæ*, where that new Sect held their Conventicles, ſhould with the reſt [*k*] be forfeited to the Church. In the ſecond, he calls them [*l*] the new audacious Sect of the *Jews*, which preſumed to diſturb the Sacraments of the Church, becauſe they rebaptized the *Catholicks*, as the *Donatiſts* did. In the third [*m*], he ſtyles them again, the new Sect of the *Cælicolæ*, who brought in an unheard Superſtition. And he threatens them, That unleſs within a Year they returned to the Service of GOD and the Chriſtian Worſhip, all the Laws made againſt Hereticks ſhould lay hold of them. St. *Auſtin* alſo in one of his Epiſtles [*n*] mentions this Sect of the *Cælicolæ*, and intimates, that they joyned with the *Donatiſts* in rebaptizing the *Catholicks*. And that he means a Sect which apoſtatized from the Chriſtian to the Jewiſh Religion, is evident from the Title of *Majores*, given by him to their Miniſters. For by this Title the Jewiſh Miniſters are frequently [*o*] diſtinguiſhed in the *Theodoſian*

[*k*] Cod. Theod. Lib. 16. Tit. 5. de Hæret. Leg. 43. Ita ut ædificia vel horum, vel Cœlicolarum etiam (quæ neſcio cujus dogmatis novi Conventus habent) Eccleſiis vindicentur.

[*l*] Ibid. Leg. 44. Donatiſtarum Hæreticorum, Judæorum nova atque inuſitata detexit audacia, quod Catholicæ Fidei velint Sacramenta turbare, &c. [*m*] Lib. 16. Tit. 8. De Judæis, Cœlicolis & Samaritanis. Leg. 19. Cœlicolarum nomen inauditum quodammodo novum crimen ſuperſtitionis vindicavit. Hi niſi infra anni terminos ad Dei cultum veneration emque Chriſtianam converſi fuerint, his legibus quibus præcepimus Hæreticos adſtringi, ſe quoque noverint adtinendos. [*n*] Aug. Ep. 163. ad Eleuſium. p. 284. Jam miſeramus ad Majorem Cœlicolarum, quem audieramus novi apud eos baptiſmi inſtitutorem inſtituiſſe, & multos illo Sacrilegio ſeduxiſſe. [*o*] Cod. Theod. Lib. 16. Tit. 8. De Judæis, Cœlicolis, &c. Leg. 1. Judæis, & Majoribus eorum & Patriarchis volumus intimari, &c. It. Leg. 23. Annati & Majoribus Judæorum. It Lib. 16. Tit. 9. Leg. 3. eadem Inſcriptio.

Code. So that it is plain, that this Sect of the *Cælicolæ* was a Mixture of the Chriſtian and Jewiſh Religion together, and as ſuch were both puniſhed by the Laws of the State, and rejected from Communion by the Laws of the Church.

Sect. 3. *Of ſuch as communicated with the* Jews *in their unlawful Rites and Practices.*

BESIDES theſe, there were ſome Chriſtians, who neither went over wholly to the *Jews* Religion, nor in any main Point complied with them, who yet in ſome more remote Rites and Practices refuſed not to communicate with them, as in obſerving their Feſtivals, and Feaſting, and marrying with them, and receiving their *Eulogiæ*, and having recourſe to them for Phylacteries and Charms to cure Diſeaſes: All which therefore are condemned under the Penalty of Eccleſiaſtical Cenſure. The Council of *Laodicea* forbids [p] Chriſtians to Judaize by reſting on the *Sabbath*, under Pain of *Anathema*: Likewiſe it prohibits keeping Jewiſh Feaſts, and accepting [q] Feſtival Preſents ſent from them: As alſo receiving Unleavened Bread from them, which is accounted a Partaking with them in their Impiety. To the ſame Purpoſe, among the *Apoſtolical Canons* we find one forbidding to faſt [r] or feaſt with the *Jews*, or to receive any of their Feſtival Preſents, or Unleavened Bread, under the Penalty of Depoſition to a Clergyman, and Excommunication to a Layman. And by another of the ſame Canons [s], to carry Oyl to a Jewiſh Synagogue, or ſet up Lights on their Feſtivals, is parallel'd with the Crime of doing the like for an Heathen Temple or Feſtival, and both of them equally puniſhed with Excommunication. So a Biſhop,

[p] Conc. Laod. can. 29. [q] Ibid. can. 37, & 38.
[r] Canon. Apoſt. 70. [s] Apoſt. can. 71.

a Biſhop, Prieſt or Deacon, who celebrates the *Eaſter* Feſtival before the *Vernal Equinox* [*t*] with the *Jews*, is to be depoſed. Though this is a little more ſevere than the Conſtitution that was made about it in the Time of *Irenæus*, and afterward was confirmed by *Conſtantine* [*u*] and the Council of *Nice*: For they forbid the Celebration of *Eaſter* with the *Jews*, but lay not the Penalty of Depoſition or Excommunication upon thoſe that followed that Cuſtom, becauſe they had ſome Pretence of Apoſtolical Tradition for their Practice. The Council of *Eliberis* [*x*] forbids Chriſtians to have Recourſe to the *Jews* for Bleſſing the Fruits of the Earth, and that under the Penalty of Excommunication, becauſe it was a Reproach to the Manner of Bleſſing them in the Church, as if that was weak and ineffectual. The ſame Council [*y*] forbids both Clergy and Laity to eat with the *Jews*, upon Pain of being caſt out of the Communion of the Church. And the Reaſon of this is aſſigned by the Council of *Agde* [*a*]; becauſe they uſe not the Meats that are commonly uſed among Chriſtians: Therefore it is an unworthy and ſacrilegious Thing to eat

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[*t*] Ibid. can. 8. Confer. Cod. Theod. Lib. 16. Tit. 5. Leg. 9 & Tit. 6. Leg. 6. De Protopaſchitis. [*u*] Conſtant. Ep. ap. Euſeb. de Vit. Conſt. Lib. 3. cap. 18, & 19. [*x*] Conc. Eliber. can. 49. Admoneri placuit Poſſeſſores, ut non patiantur fructus ſuos, quos à Deo percipiunt cum gratiarum actione, a Judæis benedici, ne noſtram irritam & infirmam faciant Benedictionem. Si quis poſt interdictum facere uſurpaverit, penitus ab Eccleſia abjiciatur. [*y*] Ibid. can. 50. Si vero aliquis Clericus vel Fidelis fuerit, qui cum Judæis cibum ſumpſerit, placuit eum a Communione abſtinere, ut debeat emendari. [*a*] Conc. Agathen. can. 40. Omnes deinceps Clerici ſive Laici Judæorum Convivia evitent; nec eos ad Convivium quiſquam excipiat: quia cum apud Chriſtianos cibis communibus non utantur, indignum eſt atque ſacrilegum eorum cibos a Chriſtianis ſumi: quum ea quæ Apoſtolo permittente, nos ſumimus, ab illis judicentur immunda, &c.

with them: For as much as they reputed thoſe Things unclean, which the Apoſtle allows us to receive; and ſo Chriſtians are rendred Inferior to the *Jews*, if we eat of ſuch Things as they ſet before us, and they contemn what we offer them. Which Canon is repeated in the ſame Words in the Council of *Vannes* [*b*], and there is a Rule in the Council of *Epone* [*c*] to the ſame Purpoſe. It appears alſo from the fourth Council of *Toledo*, that the *Spaniſh* Churches were much infeſted with this Sort of complying and judaiſing Chriſtians; ſome patronizing the *Jews* in their Perfidiouſneſs; others turning down-right Apoſtates, and ſubmitting to Circumciſion; and others indifferently converſing with them to the manifeſt Danger of their own Subverſion. Againſt which laſt Sort of Compliers the Sixty-firſt Canon of that Council is particularly directed; and there are ſix or ſeven Canons more in the ſame Place one after another relating to Caſes of the like Nature, which need not here be related. The Council of *Clermont* [*d*] makes it Excommunication for a Chriſtian to marry a *Jew*. And the third Council of *Orleans* prohibits it under the ſame Penalty [*e*], together with Sequeſtration of the Perſons from each other. St. *Chryſoſtom* inveighs againſt thoſe who went out of Curioſity to the *Jewiſh* Synagogues, ſaying [*f*], It was the ſame Thing as going to an Idol-Temple: If any one ſees thee, who haſt Knowledge, go to a Synagogue, to ſee the Trumpets, ſhall not the Conſcience of him that is Weak, be emboldned to admire the *Jewiſh* Ceremonies?

[*b*] Conc. Veneticum. can. 12. [*c*] Conc. Epaunenſe. can. 15. Vid. Conc. Matiſcon. 1. can. 15. Aurelian. 3. can. 13.
[*d*] Conc. Arvernenſe. can. 6. [*e*] Conc. Aurel. 3. can. 13. Vid. Aug. 234. Et Ambroſ. de Abrahamo. Lib. 1. cap. 9. [*f*] Chryſ. Hom. 1. cont. Jud. T. 1. p. 442. & 443.

monies? Although there be no Idol there, yet the Devils inhabit the Place. Which I ſay not only of the Synagogue which is here, but of that of *Daphne*, that more impure Pit of Hell, which they call *Matrona*. I hear many of the Faithful go thither, and ſleep in the Place. But GOD forbid I ſhould call them the Faithful. For the Temple of *Apollo* and *Matrona* are equally prophane. Is not that a Place of Impiety, where Devils dwell, although there be no Image there? Where the Murderers of CHRIST aſſemble, where the Croſs is caſt out, where GOD is blaſphemed, where the Father is not known, where the Son is reviled, where the Grace of the Spirit is rejected? He particularly bewails thoſe [g], who went either to ſee or join with them in the Celebration of their Faſts and Feſtivals, the Feaſt of *Trumpets*, the Feaſt of *Tabernacles*, and the Faſt of the great Day of *Expiation*, which came all in the Month *Tiſri*, or *September*, when he preached his Sermons againſt the *Jews*. He notes alſo the Wickedneſs of ſome [h] who would draw others by Force to go and take an Oath in a *Jewiſh* Synagogue, upon a moſt unaccountable Perſuaſion, that an Oath given there was more formidable than any other whatſoever. For theſe and many other Reaſons, which he there largely purſues [i], He ſtiles all ſuch only Half-Chriſtians, χειστιανὸι ἥμισεῖς. He has two other [k] whole Sermons againſt thoſe who obſerved the *Jewiſh* Faſts, and frequented their Synagogues: In the latter of which he addreſſes himſelf to them in theſe Words: We have now clearly proved that the Places where the *Jews* aſſemble, are inhabited by

[g] Ibid. p. 433. [h] Ibid. p. 437. [i] Ibid. p. 440. [k] Hom. 52. in eos qui Paſcha jejunant. & Hom. 53. in eos qui cum Judæis jejunant. T. 5. p. 721.

Devils. How then dareſt thou, after being in the *Chorus* of Devils, return to the Aſſembly of the Apoſtles? How is it that thou are not afraid, after communicating with thoſe who ſhed the Blood of CHRIST, to come and communicate at the Holy Table, and partake of that precious Blood? Does not Horror and Trembling ſeize thee, after having committed ſo great Wickedneſs? Doſt thou not Reverence the Holy Table? *Wherefore I exhort you, admoniſh and edifie one another.* If any Man be a Catechumen, who labours under this Diſtemper, let him be driven from the Doors of the Church: If he be one of the Faithful, and initiated in the holy Myſteries, let him be driven from the holy Table. All Sins need not Exhortation and Counſel: There are ſome that naturally require a more quick and ſharp Abſciſſion. I therefore from henceforth ſhall abſtain from all farther Admonition, and proteſt, and proclaim, *If any Man love not the Lord Jeſus Chriſt, let him be* Anathema. And what greater Argument can there be of any Ones not loving CHRIST, than his communicating with thoſe in their Feſtivals, who killed CHRIST? It is not I that anathematize theſe, but *Paul*, yea CHRIST that ſpeaks by *Paul*, and ſays, *Whoever of you are juſtified by the Law, ye are fall'n from Grace.* In his *Comment* upon thoſe Words of St. *Paul* to *Titus* [*l*], *Rebuke them ſharply, that they may be ſound in the Faith*, he ſpeaks again of this Matter: If they who make a Diſtinction of Meats, are not ſound, but weak, what ſhall we ſay of thoſe who Faſt with the *Jews*, and obſerve their Sabbaths with them, and go to their Synagogues, to that at *Daphne*, called the Cave of *Matrona*, and that in *Cilicia*, called

[*l*] Hom. 3. in. Tit. p. 1709.

led the Place of *Cronus*, or *Saturn*? In his ſixth *Homily* againſt the *Jews* [*m*], he inveighs vehemently againſt thoſe who went to the Synagogues to get *Charms* and *Amulets* to cure Diſeaſes, in which the *Jews* pretended to a peculiar Art above others, and this tempted many vain Chriſtians to have Recourſe to them: But of this I have ſpoken before in the laſt Chapter out of *Chryſoſtom*, and ſhall only here add, That the *Jews* boaſted much of this Art as coming to them from ſome *Apocryphal* Writings of King *Solomon*, ſuch as his *Book of Prayers*, or *Inchantments* to cure Diſeaſes, and his Book of *Exorciſms*, or Conjurations to caſt out Devils, both which are mentioned by *Joſephus* [*u*], who magnifies the Art as ſtill remaining among them, ſpeaking of one *Eleazar*, who according to the Rules there preſcribed, pretended to cure one poſſeſſed with a Devil in the Preſence of *Veſpaſian*. *Origen* alſo [*n*] mentions theſe Books, and ſays, ſome Chriſtians adjured Devils after the ſame manner by Forms out of *Apocryphal* and *Hebrew* Books, in Imitation of thoſe of *Solomon*, which he does by no Means allow, but ſays, it is Judaical, and not according to the Power given by CHRIST to his Diſciples. By all which it appears, That as the *Jews* pretended much to this Power, ſo many Chriſtians were ſo vain as to have ſecret Recourſe to them (for *Chryſoſtom* ſays, they were aſhamed to

[*m*] Hom. 6. in Judæos. T. 1. p. 536, &c. *See this before, Chapter* v. n. 6. [*n*] Joſeph. Antiq. Lib. 8. cap. 2.

[*o*] Orig. Tract. 35. in Mat. p. 188. Non eſt ſecundum poteſtatem datam à ſalvatore adjurare dæmonia: Judaicum enim eſt. Hoc etſi aliquando à noſtris tale aliquid fiat, ſimile ſit ei, quod à Salomone ſcriptis adjurationibus ſolent Dæmones adjurari. Sed ipſi qui utuntur adjurationibus illis, aliquoties nec idoneis conſtitutis Libris utuntur: Quibuſdam autem & de Hebræo acceptis adjurant Dæmonia.

to do it in Publick) imagining their *Inchantments* to be of more Efficacy than any others. Which was a double Crime, firſt to make Uſe of *Charms*, and then to take them from the Enemies of CHRIST, to the flagrant Scandal of the Chriſtian Religion. Whenever therefore any were convicted of this Crime, they were ſure to feel the utmoſt Severity of Eccleſiaſtical Cenſure.

Sect. 4. *Of ſuch as apoſtatized voluntarily into Heatheniſm.*

ANOTHER Sort of Apoſtates were ſuch as fell away voluntarily into Heatheniſm, after they had for ſome Time made Profeſſion of Chriſtianity. Theſe differed from common Lapſers into Idolatry in this, that the common Lapſers fell by Violence, and the Fear and Terror of Perſecution; but theſe fell away by Principle and Choice, and out of a diſlike to Religion, and Love of *Gentiliſm*, which they preferred before the Religion of CHRIST, when they might without any Moleſtation have continued in it. And as the one uſually returned as ſoon as they had Opportunity, ſo the other commonly continued Apoſtates all their Days. The Imperial Laws, at leaſt from the Time of *Theodoſius*, deny'd ſuch the common Privilege of *Roman* Subjects, depriving them of the Power of diſpoſing of their Eſtates by Will. As appears from two Laws [*p*] of *Theodoſius the Great* in the *Theodoſian Code*, which the other ſucceeding Emperors confirmed. Particularly *Valentinian Junior* not only deny'd them the Power of making their own Wills, but

[*p*] Cod. Theod. Lib. 16. Tit. 7. de Apoſtatis. Leg. 1. His qui ex Chriſtianis Pagani facti ſunt, eripiatur facultas juſque teſtandi. Omne defuncti, ſi quod eſt, Teſtamentum, ſubmota condicione, reſcindatur. It. Leg. 2. ibid. Leg. 3, 4, 5, 6, 7.

but of receiving any Benefit [q] from others by Will: No Man might make them his Heirs, nor could they ſucceed to any Inheritance. They were to have no Commerce or Society with others; their Teſtimony was not to be taken in Law; they were to be infamous and of no Credit among Men, among whom they were allowed to live without baniſhing, only to make it the greater Puniſhment, to live among Men, and not enjoy the common Privileges of Men. Nay, they were never to regain their ancient State: Though they repented and returned, this ſhould be no Benefit to them in this Reſpect; their Repentance ſhould never obliterate their Crime, becauſe they had broken their Faith to GOD. This was their Condition in Temporals. As to their ſpiritual Eſtate, by ſome Canons of the Church they were as ſeverely treated. The Council of *Eliberis* [r] denies Communion to the laſt to all ſuch Apoſtates, becauſe they doubled their Crime, not only in abſenting from the Church, but in defiling themſelves with

[q] Ibid. Leg. 4. Hi qui ſanctam Fidem prodiderint & ſanctum Baptiſma profanaverint, a conſortio omnium ſegregati, ſint a Teſtimoniis alieni, Teſtamenti non habeant factionem, nulli in hæreditate ſuccedant, a nemine ſcribantur hæredes. Quos etiam præcepiſſemus procul abjici, ac longius amandari, niſi pœnæ viſum fuiſſet eſſe majoris, verſari inter homines, & hominum carere ſuffragiis. Sed nec unquam in ſtatum priſtinum revertentur; non flagitium morum obliteretur Pœnitentia, &c.

Ibid. Leg. 5. Si quis ſplendor conlatus eſt in eos — perdant, ut de Loco ſuo ſtatuque dejecti, perpetua urantur Infamia, &c. Vid. Leg. 6 & 7. ibid. & Cod. Theod. Lib. 11. Tit. 39. de Fide Teſtium. Leg. 11. [r] Conc. Eliber. can. 1. Placuit inter eos, qui poſt fidem baptiſmi ſalutaris adulta ætate ad Templum idololatraturus acceſſerit, & fecerit quod eſt crimen principale, quia eſt ſummum ſcelus, placuit nec in fine eum Communionem accipere.

with Idolatry alſo. Whereas ſuch lower Apoſtates as only abſented themſelves from religious Aſſemblies [*s*] for a long Time, and did not commit Idolatry, if afterward they returned again to the Church, they might be admitted upon Ten Years Penance to the Communion. *Cyprian* [*t*] ſays, Many of his Predeceſſors in *Africk* deny'd Communion to the very laſt to all ſuch as were guilty of the Three great Crimes, Apoſtacy, Adultery and Murder. And though this Rigour was a little abated in his Time, yet they ſtill held idolatrous Apoſtates to Penance all their Lives. Which is alſo noted by [*u*] *Siricius* Biſhop of *Rome*, who ſays, Apoſtates were to do Penance as long as they lived, and only to have the Grace of Reconciliation at the Point of Death. And this Favour was allowed them only upon *Proviſo* that they returned and ſubmitted to Penance voluntarily in their Life-time, before any Neceſſity or Sickneſs drove them to it: For if they continued Apoſtates to the laſt Extremity, and only deſired to be reconciled when the Fear of imminent Death was upon them, then *Cyprian* [*x*] aſſures us, it was deny'd them; becauſe it was not Repentance, but the Fear of approaching Death only that made them deſire a Reconciliation. And the firſt Council of *Arles* [*y*] made a like Decree, That ſuch Apoſtates ſhould not be received to Communion, unleſs they recovered,

[*s*] Ibid. can. 46. Si quis Fidelis Apoſtata per infinita tempora ad Eccleſiam non acceſſerit; ſi tamen aliquando fuerit reverſus, nec fuerit Idololatra, poſt decem annos placuit Communionem accipere. [*t*] Cypr. Ep. 52. al. 55. ad Antonian. p. 110. [*u*] Siric. Ep. 1. ad Himerium. cap. 3. Apoſtatis, quamdiu vivunt, agenda Pœnitentia eſt, &c. *See before Chap.* 4. n. 4. [*x*] Cypr. ibid. p. 111. Nec dignus eſt in morte accipere ſolatium, qui non cogitavit ſe eſſe morituram. [*y*] Conc. Arelat. 1. can 23.

vered, and brought forth Fruits worthy of Repentance. The true Reaſon of which Severity was to deter Men from depending too much on a Death-Bed Repentance. For except in the Caſe of Martyrdom (which *Cyprian* [z] allows) ſuch Apoſtates had no Time to demonſtrate by their Works that they were real Penitents; and therefore the Church deny'd them Abſolution, and remitted them wholly to GOD's unerring Judgment.

Sect. 5. *Of Hereticks and Schiſmaticks, and their Puniſhments, both Eccleſiaſtical and Civil.*

THE next Sort of Delinquents againſt the firſt Commandment were Hereticks and Schiſmaticks, the one of which tranſgreſſed againſt the Doctrine of Faith delivered by the Church, and the other againſt the Unity of the Worſhip and Diſcipline, which compacted the Church into one Myſtical Body of CHRIST. In each of theſe there were ſeveral Degrees of Sin, which were accordingly treated with different Degrees of Eccleſiaſtical Cenſure. But becauſe it was impoſſible for Lawgivers to know the particular Motives and Inducements that might ingage Men in Hereſy or Schiſm, therefore the Laws were made in general Terms againſt them, and the Allowances that were proper to be made upon any Occaſion for the Abatement of the Rigor of them with Reſpect to particular Perſons, were left to the Diſcretion of the Judges that were to put them in Execution. I ſhall firſt give a ſhort Account of the Civil Penalties that were inflicted on them by the Imperial Laws of the State, and then conſider the Eccleſiaſtical Puniſhments that were inflicted on them by the Laws of the Church.

THE

[z] Cypr. de Lapſis, p. 127. It. Ep. 14. al. 19 & Ep. 55. ad Antonian. p. 102.

Sect. 6. *Of the Civil Puniſhments inflicted on them by the Laws of the State*

THE Laws of the State made againſt Hereticks and Schiſmaticks by the Chriſtian Emperors from the Time of *Conſtantine*, are chiefly comprized under one Title, *de Hæreticis*, in the *Theodoſian Code*, which are too many and long to be here recited: Therefore I ſhall only give a ſhort Abſtract of them, as they are collected by *Gothofred* [a] in his Premonition to that Title. There he obſerves Eleven diſtinct Kinds of Puniſhment inflicted on them in general, beſides the particular Laws that were made againſt their Teachers, their Biſhops and Clergy, and their Conventicles, and all ſuch as favoured or abetted them.

THE Firſt of theſe is the general Note of Infamy affixed to them all in Common: The Laws always ſtiling them infamous Perſons. *Leg.* 7. 13. 54. *de Hæreticis. Leg.* 2. *de Fide Catholica.*

Secondly, THE affixing on ſome particular Sects ſpecial Names of Infamy and Reproach; as when *Conſtantine* ordered the *Arians* to be called *Porphyrians*; and *Theodoſius Junior* the *Neſtorians* to be branded with the Name of *Simonians*. *Leg.* 66. *de Hæreticis.*

Thirdly, ALL Commerce forbidden to be held with them. *Leg.* 17, 18, 36, 40, 48. *de Hæreticis.*

Fourthly, THE depriving them of all Offices of Profit and Dignity in the *Militia Palatina*, or Civil Adminiſtration. Which was firſt enacted by *Theodoſius*, and confirmed by the ſucceeding Emperors. *Leg.* 9, 25, 29, 42, 48, 58, 61, 65. Particularly *Gothofred* commends that as an elegant Saying

[a] Gothofred. Paratitlon. ad Cod. Theod. Lib. 16. Tit. 5. de Hæreticis.

ing of *Honorius*, *Leg.* 42. *De Hæreticis. Nullus nobis ſit aliqua ratione conjunctus, qui a nobis Fide & Religione diſcedat*, We will have none employed about us, that differs from us in Faith and Religion. Yet he obſerves that all burdenſome Offices both of the Camp and *Curia*, what we now call Military and Municipal Offices, were impoſed upon them. Which is confirmed by one of *Juſtinian's Novels* [*b*], which the Learned Reader may ſee in the Margin.

Fifthly, THEY were rendred Inteſtate, that is, They were unqualified either to diſpoſe of their Eſtates by Will, or receive Eſtates from any others. Thus particularly the *Manichees* were puniſhed, *Leg.* 7, 9, 18, 65. *De Hæreticis. & Leg.* 3. *De Apoſtatis.* And ſo the *Eunomians*, *Leg.* 17, 25, 49, 50, 58. *De Hæreticis.* And the *Donatiſts*, *Leg* 54. *De Hæreticis. & Leg.* 4. *Ne ſanctum Baptiſma iteretur.* Purſuant to which Laws all the Goods of Hereticks, or whatever was left them, were liable to be confiſcated either to the Emperor's *Exchequer*, or to the People of *Rome*, *Leg.* 7, 9, 17, 18, 49. *De Hæreticis.*

Sixthly, THE Right of Giving or Receiving Donations was deny'd them, *Leg.* 7, 9, 36, 40, 49, 50, 58, 65. *De Hæreticis. & Leg.* 4. *Ne ſanctum Baptiſma iteretur.* Only by one Law ſome few Perſons were excepted, to whom they might give Donations, *Leg.* 65. *De Hæreticis.*

Seventhly, THE *Manichees*, *Cataphrygians*, *Priſcillianiſts*, or Followers of *Priſcilla*, the *Montaniſts*, *Donatiſts*,

[*b*] Juſtin. Novel. 45. Sunto Decuriones, quemadmodum jam Cohortalibus ante Legibus expreſſum eſt; neque ullus Religionis cultus tali eos fortuna eximito. — Indigni tamen omni Curiali exiſtunto Honore. Et quia multa leges Decurionibus Privilegia tribuunt, tum ne ictus fuſtium illis inferatur, &c. nullo horum perfruuntor. —— Implento tam Perſonalia quam Patrimonialia munera, neque eos Lex ab his eximat: Honore autem nullo perfruuntor, ſed fortunam ſuſtinento cum infamia.

natiſts, and all that were rebaptized by them, are deprived of the Right of Contracting, Buying and Selling, *Leg.* 40, 48, 54. *De Hæreticis, & Leg.* 4. *Ne ſanctum Baptiſma iteretur.*

Eighthly, PECUNIARY Mulcts and Fines were impoſed upon them, *Leg.* 39, 52, 54. *De Hæreticis.* And theſe are often mentioned by St. *Auſtin* [c] who yet intimates that they were ſeldom executed againſt them, and frequently begged off by the *Catholicks* interceding for them.

Ninthly, THEY were Proſcribed, Tranſported and Baniſhed, *Leg.* 13, 14, 15, 16, 18, 20, 29, 40, 52, 53, 57, 58. *De Hæreticis.* Thus *Sozomen* [d] ſays, *Conſtantine* baniſhed *Arius*, and all who oppoſed the Decrees of the Council of *Nice*. And St. *Auſtin* [e] ſays, *Conſtantine* baniſhed the *Donatiſts*, and all the ſucceeding Emperors, except *Julian* the Apoſtate, made ſevere Laws againſt them. And *Julian* only recalled them in deviliſh Policy, thinking by Diviſion of Chriſtians into ſeveral Sects, to deſtroy them totally out of the World. *Honorius* baniſhed *Jovinian* into *Boa*, an Iſland of *Dalmatia*, as is ſaid in the Law particularly [f] made againſt him in the *Code*. And *Theodoſius* Junior baniſhed *Neſtorius*, as the Hiſtorians [g] note, after the Council of *Epheſus* had depoſed him.

Tenthly, THEY were alſo in many Caſes ſubjected to Corporal Puniſhment, Scourging, *&c.* before they were ſent into Baniſhment, *Leg.* 21, 53, 54, 57. *De Hæreticis. & Leg.* 4. *Ne ſanctum Baptiſma iteretur.*

Eleventhly,

[c] Aug. Ep. 68. ad Januar. p. 124. Pœna decem Librarum auri, quæ in Hæreticos ab Imperatoribus fuerat conſtituta, &c. Vid. Ep. 50. ad Bonifac. Item Ep. 166, 167, 173. Cont. Creſcon. Lib. 3. cap. 47. Cont. Epiſt. Parmen. Lib. 1. cap. 12.

[d] Sozom. Lib. 1. cap. 20. [e] Aug. Ep. 152. ad Donatiſtas. Ep. 166. p. 289 [f] Cod. Theod. Lib. 16. Tit. 5. De Hæreticis. Leg. 53. [g] Socrat. Lib. 7. cap. 34. Evagr. Lib. 1. cap. 7.

Eleventhly, FINALLY in ſome ſpecial Caſes they were terrified by ſanguinary Laws, which made them liable to Death, though by the Connivence of the Princes, or the Interceſſion of the Church they were rarely put in Execution againſt them. *Gothofred* ſays, the firſt Law of this Kind was made by *Theodoſius*, *An.* 382. againſt the *Encratites*, the *Saccophori*, the *Hydroparaſtatæ*, and the *Manichees*, which is the nineth Law *de Hæreticis*. After which Example many other ſuch Laws were made againſt the heretical Prieſts, who pretended to exerciſe their Superſtition againſt the Prohibition of the Law: And againſt ſuch Poſſeſſors as allowed them a Conventicle to meet in: And againſt ſuch as retained and concealed their pernicious Books. *Leg.* 15, 16, 34, 35, 36, 38, 43, 44, 51, 53, 54, 56, 63. *De Hæreticis.*

BESIDES theſe Laws and Puniſhments, which chiefly affected their Perſons, *Gothofred* obſerves ſeveral other Laws which tended to the Extirpation of Hereſy. Such as *Firſt*, Thoſe which forbid heretical Teachers to propagate their Doctrine publickly or privately. *Leg.* 3, 5, 13, 24. *De Hæreticis.* & *Leg.* 2. *Ne ſanctum Baptiſma iteretur.*

Secondly, THE Laws which forbid Hereticks to hold publick Diſputations by gathering Companies of People together. *Leg.* 46. *De Hæreticis.* & *Leg.* 1. & 2. & 3. *De his qui ſuper Religione contendunt.*

Thirdly, THOSE which forbid Hereticks to ordain Biſhops, Presbyters, or any other Clergy. *Leg.* 12, 14, 21, 22, 24, 26, 27, 57, 58, 65. *De Hæreticis.*

Fourthly, SUCH as deny to thoſe that are ſo ordained, the Names and Privileges of Biſhops and Clergy. *Leg.* 1, 24, 26, 28. *De Hæreticis.* *Leg.* 2.

& 3. de Epiſcopis. Leg. 1. Ne ſanctum Baptiſma iteretur.

Fifthly, SUCH Laws as prohibit all heretical Conventicles and Aſſemblies. *Leg.* 4, 5, 6, 10, 11, 12, 14, 15, 19, 20, 21, 26, 30, 45, 52, 53, 54, 56, 65. *De Hæreticis. & Leg.* 7. *Ne ſanctum Baptiſma iteretur.*

Sixthly, SUCH as forbid Hereticks to build Conventicles. *Leg.* 1, 2, 6, 7, 8, 12, 30, 65, *De Hæreticis. & Leg.* 3. *de Fide Catholica.* And forbid any one to leave any Legacy to them. *Leg.* 65. *De Hæreticis.* And ordering both the Conventicles and whatever was ſo bequeathed to them, either to be confiſcated to the publick Exchequer. *Leg.* 3, 4, 8, 12, 21, 30. *De Hæreticis.* Or elſe to be given to the Uſe of the Catholick Churches. *Leg.* 43, 52, 54, 57, 65. *De Hæreticis. & Leg.* 2. *Ne ſanctum Baptiſma iteretur.* Only excepting the *Novatians,* to whom *Conſtantine* ſhewed a little Favour, becauſe though they were ſchiſmatical, yet they held to the Catholick Faith. *Leg.* 2. *De Hæreticis. Socrat. Lib.* 2. *cap.* 30. *Lib.* 5. *cap.* 10. *Sozomen. Lib.* 8. *cap.* 1.

Seventhly, SUCH Laws as allow Slaves to inform againſt their heretical Maſters, and gain their Freedom by coming over to the Church. *Leg.* 40. *De Hæreticis. & Leg.* 4. *Ne ſanctum Baptiſma iteretur.*

Eighthly, SUCH Laws as deny the Children of heretical Parents their Patrimony and Inheritance, except they returned to the Catholick Church. *Leg.* 7, 9, 40. *De Hæreticis. Leg.* 7. *Ne ſanctum Baptiſma iteretur.*

Ninthly, SUCH Laws as order the Books of Hereticks to be burned. *Leg.* 34. *&* 65. *De Hæreticis.*

THIS

THIS is the ſhort Account of thoſe ſeveral Penal Laws, which the Emperors made againſt Hereticks, from the Time of *Conſtantine* to *Theodoſius Junior* and *Valentinian* III. which the Learned Reader may find at length under their reſpective Titles in both the *Theodoſian* and *Juſtinian Code*. It is ſufficient here to have given an Abſtract of them, which may ſerve to give ſome Light to the Laws of the Church that were made againſt them, which I now proceed to give a more particular Account of, as more properly relating to the Diſcipline of the Church.

Sect. 7. *How Hereticks were treated by the Diſcipline of the Church.* 1. *They were anathematized and caſt out of the Church.*

AND here we may obſerve in the firſt Place, That Hereſy was always accounted one of the principal Crimes that a Chriſtian could be guilty of, as being a Sort of Apoſtacy from the Faith, and a voluntary Apoſtacy, which was a Circumſtance that added much to the Heinouſneſs of the Offence. Therefore *Cyprian* comparing the Crimes of Hereticks and Schiſmaticks with thoſe that lapſed into Idolatry by the Violence of Perſecution, ſays [*b*], This is a worſe Crime than that which the Lapſers may ſeem to have committed, who yet do a ſevere Penance for their Crime, and implore the Mercy of GOD by a long and plenary Satisfaction. The one ſeeks to the Church, and humbly intreats her Favour; the other reſiſts the Church, and proclaims open War againſt her. The one has the Excuſe of Neceſſity: The other is detained in his Crime by his own Will only. He that lapſes, hurts himſelf alone: But he that endeavours to make an Hereſy

[*b*] Cypr. de Unit. Eccleſ. p. 117.

or Schiſm, draws many others with him into the ſame Deluſion. Here is only the Loſs of one Soul: But there a Multitude is drawn into Danger. The Lapſer is ſenſible that he has committed a Fault, and therefore he mourns and laments for it: But the other grows proud, and ſwells in his Crime, and pleaſing himſelf in his Errors, he divides the Children from the Mother, tempts and ſollicites the Sheep from the Shepherd, and diſturbs the Sacraments of GOD. And whereas a Lapſer Sins but once, he Sins every Day. Finally a Lapſer may afterward become a Martyr, and obtain the Promiſes of the Kingdom; but the other, being out of the Church, cannot attain to the Rewards of the Church, although he be ſlain for Religion. This laſt Argument is often inſiſted on by *Cyprian* [i], and St. *Auſtin* and *Chryſoſtom* and others, to deter Men from ingaging in Hereſy and Schiſm: And it implies that Hereticks did voluntarily cut themſelves off from the Communion of the Church, and ſtood condemned of themſelves (as the Apoſtle Words it, and ſome of the Ancients underſtand it) by a voluntary Excommunication, or Separation of themſelves from the Church. Yet this did not hinder, but that notwithſtanding any ſuch Separation of themſelves, the Church ordinarily pronounced a more formal *Anathema* or Excommunication againſt them. As the Council of *Nice* ends her Creed with an *Anathema* againſt all thoſe who oppoſed the Doctrine there delivered; and the Council of *Gangra* cloſes every Canon with *Anathema* againſt the *Euſtathian* Hereticks; and there

[i] Vid. Cypr. ibid. p. 109, 113, 114. Ep. 55. ad Antonian. p. 108 & 114. Ep. 57 & 60. ad Cornel. Aug. cont. Literas Petilian. Lib. 2. cap. 23. de Bapt. Lib. 4. cap. 17. Ep. 61. & 204. Chryſ. Hom. 11. in Epheſ.

there are innumerable Instances of this Kind in the Tomes of the Councils, which it would be next to impertinent here only to refer to, they are so well known to all that have ever looked into them.

Sect. 8. Secondly, *Debarred from entring the Church by some Canons, though not by all.*

To proceed then, When they were once formally excommunicated, so long as they continued impenitent, they were by some Rules of Discipline debarred from the very lowest Privileges of Church-Communion; being forbidden to enter the Church, so much as to hear the Sermon, or the Scriptures read in the Service of the Catechumens. The Council of *Laodicea* [*k*] has a Canon to this Purpose, "That Here-"ticks, so long as they continue in their Heresy, "shall not be permitted to enter into the House "of GOD." And it is probable this Rule might be observed in the strict Discipline of some Churches. But it was no general Rule: For I have had Occasion to shew before [*] out of the *African* and *Spanish* Councils, and several Passages of St. *Chrysostom*'s *Homilies*, that Liberty was granted to Hereticks, together with *Jews* and Heathens, to come into the Chruch and hear the Sermon preached and the Scriptures read, being these were proper for their Instruction. They thought it not impossible but that Hereticks might be converted in the Church, as *Polemon*, a debauched Young Man, was converted in the School of *Xenocrates*; when coming drunk and with his Bacchanal Wreaths about his Head to hear the

[*k*] Conc. Laodic. can. 6.

[*] Book XIII Chap. i. n. 2.

Philoſopher read his Lecture (which happened to be about Temperance and Modeſty) he was ſo affected therewith, that he not only became his Scholar and his Convert, but his Succeſſor alſo in the School of *Plato* [*l*]. The Hiſtorians tell us, That *Chryſoſtom* by this Means brought over many to acknowledge the Divinity of CHRIST, whilſt they had Liberty to come to hear [*m*] his Sermons. And the Fathers of the Council of *Valentia* in *Spain* [*n*] give this as the Reaſon, why they allowed Heathens and Hereticks to come and hear the Biſhops Preaching, and the Reading of the Scriptures, becauſe they had found by Experience, that many by this Means had been converted to the Faith. So that the Church, which always ſtudied Mens Edification, and not their Deſtruction, in Prudence ſo ordered her Diſcipline, as to encourage Hereticks to frequent one Part of her Service, which ſhe allowed to her Penitents and Catechumens. And if Hereticks were at any time deny'd it, there was ſome very particular and extraordinary Reaſon for it.

Sect. 9. 3dly, *No one to encourage Hereticks and Schiſmaticks, by frequenting their Aſſemblies.*

BUT there was not the ſame Reaſon for allowing *Catholicks* to frequent the Aſſemblies or Conventicles of Hereticks and Schiſmaticks; becauſe this inſtead of converting them, had rather been to have confirmed and hardened them in their Errors: And therefore the Prohibition in this Caſe was more peremptory and univerſal, That no one ſhould joyn with Hereticks in any religious Offices, and leaſt of all in their Conventicles, under Pain of Excommunication. To this Purpoſe the

[*l*] Vid. Valer. Maximum. Lib. 6. cap. 9. [*m*] Sozom. Lib. 8. cap. 2. [*n*] Conc. Valentin. can. 1.

the *Apoſtolical Canons*, If any Biſhop, Presbyter or Deacon pray with Hereticks, let him be ſuſpended: But if he ſuffer them to officiate as Clergymen [*o*], let him be depoſed. And again [*p*], If any Clergyman or Layman go into a Synagogue of *Jews* or Hereticks to pray, let him be excommunicated or depoſed. In like manner the Council of *Laodicea* [*q*], None of the Church are permitted to go to the *Cemeteries* or *Martyries* of Hereticks for Prayer or Worſhip, under Pain of Excommunication for ſome time, till they repent and confeſs their Error. And again [*r*], It is not lawful to pray with Hereticks or Schiſmaticks. The Aſſembly of Hereticks, ſays the Council of *Carthage* [*s*], is not a Church, but a Conventicle. Therefore with Hereticks [*t*] no one ſhall either pray or ſing *Pſalms*. If a *Catholick*, ſays the Council of *Lerida* [*u*], offer his Children to be baptized by Hereticks, his Oblation ſhall in no wiſe be received in the Church. But then this was to be underſtood, where a Man might have Baptiſm from a *Catholick*, and he choſe rather to go to an Heretick to receive it, without any Neceſſity to compel him ſo to do. For otherwiſe, as has been obſerved before out of ſeveral Places of St. *Auſtin* [*x*] in Caſe of extreme Neceſſity, a Man was allowed to receive Baptiſm from an Heretick, rather than die without it.

[*o*] Canon. Apoſt. 45. [*p*] Ibid. can. 65. [*q*] Conc. Laodic. can. 9. [*r*] Ibid. can. 33. [*s*] Conc. Carth. 4. can. 71. Hæreticorum cœtus non Eccleſia, ſed Conciliabulum eſt. [*t*] Ibid. can. 72. Cum Hæreticis nec Orandum nec Pſallendum. [*u*] Conc. Ilerdenſe. can. 13. Catholicus, qui Filios ſuos in Hæreſi baptizandos obtulerit, Oblatio illius in Eccleſia nullatenus recipiatur. Vid. Hieron. Dialog. cum Lucifer. cap. 5. Sciens ab Hæreticis baptizatus, erroris veniam non meretur. [*x*] Aug. de Bapt. Lib. 1. cap. 2. & Lib. 6. c 5. Lib. 7. cap. 52. *See theſe cited at large before.* Chap. 1. n. 4.

This was not eſteemed any Breach of Catholick Unity, neither was it the Caſe which the Diſcipline of the Church reſpected, when ſhe forbad Men to encourage Hereticks by a voluntary joyning with them, and receiving Baptiſm from them. *Cyril* of *Jeruſalem* in this Senſe [y], bids his Catechumen abhor eſpecially the Conventicles of impious Hereticks, and have no Communication with them. *Chryſoſtom* compares Hereticks to thoſe [z] that deface the King's Coin: Though it be but in one Point, they ſubvert the *Goſpel* thereby, and therefore *Catholicks* ought to make a Separation from them. No one, he ſays [a], ought to maintain any Friendſhip with Hereticks. Since they maintain different Doctrines, Men ought not to mingle or joyn in their Aſſemblies with them. And he adds, That to divide the Church by Schiſm, is no leſs a Crime than to fall into Hereſy, becauſe it expoſes the Church to the Ridicule of the *Gentiles*. There he alſo urges [b] that famous Saying of *Cyprian*, The Blood of Martyrdom cannot blot out this Crime. For why art thou a Martyr? Is it not for the Glory of CHRIST? If therefore thou layeſt down thy Life for CHRIST, why doſt thou lay waſte his Church, for which CHRIST laid down his own Life? Thus the Ancients diſſuade Men from encouraging Hereticks and Schiſmaticks by reſorting to their Aſſemblies.

THERE

[y] Cyril. Catech. 4. n. 23. Χαιρέτως μίσα πάντα τὰ συνεδρία τῶν φρενόμαν διρέτικῶν. [z] Chryſ. in Gal. 2. p. 972. [a] Chryſ. Hom. 11. in Epheſ. p. 1107. & 1108. [b] Ibid. p. 1107.

THERE were many other Marks of Infamy and Diſgrace ſet upon Hereticks by the Laws of the Church joyning with the Laws of the State, to give Men a greater Abhorrence of them. No one was ſo much as to eat at a Feaſt, or converſe familiarly with them; No one might receive their *Eulogiæ*, or Feſtival Preſents; nor read or retain their Writings, but diſcover and burn them; No one might make Marriages, or enter into any Affinity with them, except they would promiſe to return into the Catholick Church. As long as they continued in Hereſy, their Names were ſtruck out of the *Diptychs* of the Church: And if they died in Hereſy, no Pſalmody or other Solemnity was uſed at their Funeral; no Oblations were offered for them, nor any Memorial ever after made of them in the ſolemn Service of the Church. But becauſe I have ſpoken of theſe Things fully in the general Deſcription of the Church's Treatment of excommunicate Perſons before [*], it may be ſufficient only to have hinted theſe ſeveral Points in this Place, becauſe theſe Puniſhments were not peculiar to Hereticks, but belonged to all in general that were under the Cenſure of Excommunication.

Sect. 10. 4thly, *No one to eat or converſe with Hereticks, or receive their Preſents, or retain their Writings, or make Marriages with them,* &c.

YET there are Two Things of this Kind, which it may not be improper to ſpeak a little more particularly of here. 1. That by the Laws of the Church, as well as the State, Hereticks were rendred infamous, and their Teſtimony was not to be taken as Evidence in any Eccleſiaſtical Cauſe

Sect. 11. 5thly, *Hereticks not allowed to be Evidence in any Eccleſiaſtical Cauſe againſt a* Catholick.

[*] Chap. 2. n. 11, &c.

Cauſe whatſoever. The Teſtimony of an Heretick ſhall not be taken againſt a Biſhop, ſay (*c*] the *Apoſtolical Canons*. In all Judgment, ſays the Council of *Carthage* [*d*], Examination ſhall be made into the Converſation and Faith both of the Accuſer and Defendant. In the *African Code* there are Two Canons to this Purpoſe, the one forbidding all excommunicate [*e*] Perſons (under which Hereticks are comprehended) to be Evidence againſt any Man, during the time of their Suſpenſion. And the other expreſsly naming Hereticks [*f*] among many others whoſe Teſtimony was not to be admitted in Law: Such as Slaves and Freedmen againſt their own Maſters; all Mimicks, and Actors, and ſuch other infamous Perſons; all *Jews* and *Heathens*; and all ſuch whoſe Teſtimony was reprobated by the Laws of the State; except it were in ſome Matter of their own private Concerns, in which Caſe every Man was to have Juſtice, and any one allowed to accuſe another. The ſame equitable Diſtinction is made by the general Council of *Conſtantinople* [*g*]: A Man might have a private Cauſe of Complaint againſt a Biſhop; as, That he was defrauded in his Property, or in any the like Caſes injured by him: In which Caſe his Accuſation was to be heard, without conſidering at all the Quality of the Perſon or his Religion. For a Biſhop was to keep a good Conſcience, and any Man that complained of being injured by him, was to have Juſtice done him, whatever Religion he was of. But if the Crime was purely Eccleſiaſtical that was alledged againſt him; then the Perſonal Qualities of the Accuſers were to be examined; and

[*c*] Canon. Apoſt. 75. [*d*] Conc. Carthag. 4. can. 96.
[*e*] Cod. African. can. 129. [*f*] Ibid. can. 130.
[*g*] Conc. Conſtant. can. 6.

and in the firſt Place Hereticks are not allowed to accuſe Orthodox Biſhops in Cauſes Eccleſiaſtical; neither any excommunicated Perſons, before they had firſt made Satisfaction for their own Crimes. *Gothofred* indeed queſtions whether there be any Law in the *Theodoſian Code*, which thus unqualifies Hereticks from giving Evidence: For though there be a Law of *Valentinian*'s twice repeated [*b*] in two diſtinct Titles, declaring the proper Qualifications of Witneſſes; yet he thinks in both Places it is to be underſtood of Apoſtates only, and not of Hereticks. But it is certain in *Juſtinian*'s *Code* [*i*] this ſame Law is apply'd to Hereticks, rendring them uncapable of giving Evidence. And *Juſtinian* made two Laws of his own to confirm this Senſe of the ancient Law. In one of which [*k*] he ſays, That whereas the Judges were at ſome Doubt, Whether

[*b*] Cod. Theod. Lib. 11. Tit. 39. De Fide Teſtium. Leg. 11. Hi qui ſanctam Fidem prodiderint, & ſacrum Baptiſma profanarint, a conſortio omnium ſegregati, ſint a Teſtimoniis alieni, &c. Idem repetitur Lib. 16. Tit. 7. De Apoſtatis. Leg. 4.

[*i*] Cod. Juſtin. Lib. 1. Tit. 7. De Apoſtatis. Leg. 3. Hi qui ſanctam Fidem prodiderunt, & ſanctum Baptiſma hæretica ſuperſtitione profanarunt, a conſortio omnium ſegregati, a Teſtimoniis alieni ſint.

[*k*] Cod. Juſtin. Tit. 5. De Hæreticis. Lib. 1. Leg. 21. Quoniam multi Judices in dirimendis Litigiis nos interpellaverunt, noſtro indigentes Oraculo, ut eis referretur, quid de Teſtibus Hæreticis ſtatuendum ſit, utrumne accipiantur eorum Teſtimonia, an reſpuantur: Sancimus, contra Orthodoxos quidem litigantes, nemini Hæretico, vel his etiam qui Judaicam ſuperſtitionem colunt, eſſe in Teſtimonio communionem; ſive utraque pars Orthodoxa ſit, ſive altera. Inter ſe autem Hæreticis vel Judæis, ubi litigandum exiſtimaverint, concedimus fœdus permixtum, & dignos litigatoribus teſtes introducere: Exceptis ſcilicet his, quos vel Manichaicus furor, cujus partem & Borboritas eſſe manifeſtum eſt, vel Pagana ſuperſtitio detinet: Samaritis nihilo minus, & qui illis non abſimiles ſunt, Montaniſtis, & Taſcodrogitis, & Ophitis; quibus pro reatus ſimilitudine omnis Legitimus actus interdictus eſt, &c.

Whether they ſhould admit the Teſtimony of Hereticks in determining Cauſes, he thus reſolved the Matter for their Inſtruction: That where a *Catholick* was concerned in any Diſpute, neither Heretick nor *Jew* ſhould be allowed to give Evidence, whether both Parties were *Catholicks*, or only one: But in ſuch Cauſes as *Jews* or Hereticks had between themſelves, the Teſtimony of either might indifferently be admitted, as fit Witneſſes for ſuch Diſputers: Yet with an Exception to all thoſe who were of the mad Sect of the *Manichees*, of which the *Borboritæ* were a Part, and all who ſtill followed the Pagan Superſtition: Alſo all *Samaritans*, and *Montaniſts*, and *Taſcodrogitæ* and *Ophitæ*, who differed not much from the *Samaritans* in the Likeneſs of their Guilt; all ſuch are prohibited univerſally either to give Teſtimony, or to proſecute any Action at Law. And he mentions and confirms this Decree in one of his *Novels* [*l*] alſo. But whether *Juſtinian* was the firſt that made this Law in the State againſt Hereticks, as *Gothofred* would have it, or not, is not very material: It is certain there was ſuch a Rule in the Church long before. For St. *Auſtin* pleads it in Behalf of one of his own Presbyters [*m*] *Secundinus* of *Germanicia*, a Place in his Dioceſe: Againſt a *Catholick* Presbyter we neither can nor ought to admit the Accuſations of Hereticks. And ſo he ſays again, in the Caſe of *Cecilian* Biſhop of *Carthage*, whom the *Donatiſts* accuſed of many Crimes:

Neither

[*l*] Novel. 45. Hæreticos perhibere Teſtimonium prohibuimus, quando Orthodoxi inter alterutros litigant, &c.

[*m*] Aug. Ep. 212. ad Pancarium. Hæreticorum accuſationes contra Catholicum Presbyterum admittere nec poſſumus nec debemus.

Neither Piety, nor Charity, nor Truth [n], will allow the Teſtimony of thoſe Men againſt him, whom we ſee to be out of the Church. And long before him, *Athanaſius* [o] pleaded the ſame in his own Behalf: When he was accuſed for ſuffering *Macarius* one of his Presbyters to break the Communion-Cup, he urged, That his Accuſers were *Meletians*, who ought not to be credited, being Schiſmaticks and Enemies both to him and the Church. A great many ſuch Rules are collected by *Gratian* [p] out of the Epiſtles of the ancient Popes, which tho' they be ſpurious, yet they are founded upon this known Practice of the Church, That the Teſtimony of an Heretick was not to be received againſt a *Catholick* in an Eccleſiaſtical Cauſe, which we have ſeen fully evinced in the preceding Allegations.

Sect. 12.

Sixthly, *Hereticks not allowed to ſucceed to any paternal Inheritance.*

THE other Thing here to be obſerved is, That by the Laws of the Church all Men, or Eccleſiaſticks at leaſt, were obliged to diſcourage Hereſy by denying obſtinate Defenders of it ſuch temporal Benefits and Privileges as it was in their Power to deny them. Thus for Inſtance the Council of *Carthage* [q] forbids the Biſhops and Clergy to confer any Donations upon Hereticks, though they be of their Kindred, either by Gift or Will. And the Civil Law gave Force to this Decree, by rendring all Hereticks Inteſtate, that is, uncapable either

[n] Ep. 50. ad Bonifac. Ipſa Pietas, Veritas, Charitas, non permittit contra Cæcilianum eorum hominum admittere Teſtimonia, quos in Eccleſia non videmus. [o] Athan. Apol. ad Conſtant. T. 1. p. 731. [p] Gratian. Cauſ. 3. Quæſt. 4, & 5. [q] Conc. Carth. 3. can. 13. Ut Epiſcopi vel Clerici, in eos qui Catholici Chriſtiani non ſunt, etiamſi Conſanguinei fuerint, nec per Donationes, nec per Teſtamentum, rerum ſuarum aliquid conferant. Vid. Cod. African. can. 22. Et Conc. Africanum vulgo dictum. can. 48.

ther of diſpoſing of their own Eſtates, or of receiving any Benefit from the Wills of others, as we have ſeen before (*n.* 6.) in ſpeaking of the Civil Sanctions made againſt them.

Sect. 13. Seventhly, *No Heretick to have Promotion among the Clergy after his Return to the Church.*

ANOTHER Law of this Kind was that which forbad the Ordination of ſuch as were either baptized in Hereſy, or fell away after they had been baptized in Catholick Unity in the Church. They were allowed to be received as Penitent Laymen, but not to be promoted to any Eccleſiaſtical Dignity in any Order of the clerical Function. But this was a Piece of Diſcipline, that might be inſiſted on, or diſpenſed with and waved, according as Church-Governors in Prudence thought moſt for the Benefit and Advantage of the Church. And therefore, though the Council of *Eliberis* [*r*] and ſome others inſiſt upon this Rule, yet the Council of *Nice* diſpenſed with it in the Caſe of the *Novatians*, and the *African* Fathers in the Caſe of the *Donatiſts*, to encourage thoſe Schiſmaticks to return to the Unity of the Church. But I only juſt mention this here, becauſe I have more fully ſtated it on both Sides upon other Occaſions in the preceding Parts [*] of this Work, to which the Reader may have Recourſe.

Sect. 14. Eigthly, *No one to be ordained who kept any in his Family that were not of the Catholick Faith.*

AND there I have alſo noted another Rule, which relates to the Matter now in hand; which was, That no one ſhould be ordained Biſhop, Presbyter or Deacon, who had not firſt made all the Members of his Family Catholick Chriſtians. This is a Rule we find in the

[*r*] Conc. Eliber. can. 51. [*] Book IV. Chap. iii. n. 12. And Scholaſt. Hiſt. of Bapt. Part II. Chap. iv.

the Third Council of *Carthage* [s] where St. *Auſtin* was preſent: And there is no Queſtion but that it was chiefly deſigned againſt the *Donatiſts*, though it equally affects all Hereticks, and *Jews* and Pagans, and all who ſecretly by Connivence gave any Encouragement to them: It being thought abſurd to promote thoſe to the Government of the Church, who had not Zeal or Intereſt enough to ſecure the Practice of true Religion within the Walls of their own Families. And the Rule tending directly to diſcourage Hereſy, I therefore mention it here as a Branch of the Ancient Diſcipline worthy our Obſervation.

Sect. 15. *No one to bring his Cauſe before an heretical Judge, under Pain of Excommunication.*

NEITHER can I paſs over another Rule of the fourth Council of *Carthage*, which forbids *Catholicks* [t] to bring any Cauſe, whether juſt or unjuſt, before an heretical Judge, under Pain of Excommunication. This does not indeed deprive heretical Judges of their Office, or render their Deciſions Null, when the State thinks fit to allow them, as it ſometimes did under *Conſtantius* and *Valens*, and other heretical Emperors. For the Church has no Power in this Caſe, which belongs to the Civil, and not the Eccleſiaſtical Power, as has been [*] ſhewed before. But the Church had Power to lay an Injunction upon all her Members, not to bring their Cauſes before an heretical Judge, by a juſt Analogy to that Rule of the Apoſtle, not to go to Law before the Unbelievers. And this was

[s] Conc. Carth. 3. can. 18. Ut Epiſcopi, Presbyteri, & Diaconi non ordinentur, priuſquam omnes qui ſunt in domo eorum Chriſtianos Catholicos fecerint. [t] Conc. Carth. 4. can. 87. Catholicus qui Cauſam ſuam, ſive juſtam ſive injuſtam, ad judicium alterius fidei judicis provocat, excommunicetur.

[*] Chap. ii. n. 5.

was one Way to discountenance Heresy in Men of the highest Station: And for this Reason we may suppose the Church injoined it, to give a Check to Hereticks, by obliging *Catholicks* to end their Controversies among themselves, and have no Communication with Hereticks or Unbelievers.

Sect 16. *What Term of Penance imposed upon relenting Hereticks.*

We have hitherto considered the Punishments laid upon Hereticks continuing in their Obstinacy and Perverseness, and bidding Defiance to the Communion of the Church. We are now to view the Church's Discipline and Behaviour toward them, when they shewed any Disposition to relent and return to the Unity of the Faith. Now Heresy being reckoned among the greatest of Crimes, a proportionable Term of Penance was laid upon it. The Council of *Eliberis* [*u*] appoints ten Years Penance for such as went over from the Catholick Church to any Heresy, if ever they returned and made Confession of their Crime, before they should be admitted to Communion. Only an Exception is made in the Case of Infants, because their Fault was not their own, but their Parents: Therefore they are ordered to be received without any Delay. The Council of *Rome* under *Felix* [*x*] sets a more particular Mark upon Bishops, Presbyters and Deacons,

[*u*] Conc. Eliber. can. 22. Si quis de Catholica Ecclesia ad hæresim transitum fecerit, rursusque ad Ecclesiam recurrerit—decem annis agat Pœnitentiam, cui post decem annos præstari Communio debet. Si vero infantes fuerint transducti, quia non suo vitio peccaverint, incunctanter recipi debent.

[*x*] Conc. Rom. an. 487. can. 2. Ad exitus sui diem in Pœnitentia (si resipiscunt) jacere conveniet: nec orationi non modo Fidelium, sed nec Catechumenorum omnimodis interesse, quibus Communio Laica tantum in morte reddenda est.

Deacons, who ſuffered themſelves to be rebaptized by Hereticks, becauſe this was in effect to deny their Chriſtianity, and own that they were Pagans. Such are deny'd Communion even among the Catechumens all their Lives, and only allowed Lay-Communion at the Hour of Death. Others [y] are injoined the ſame Penance as the Council of *Nice* puts upon Lapſers, that is, twelve Years, in the ſeveral Stations of Penitents, unleſs they had the Plea of Neceſſity or Fear, or Danger to excuſe them. But if they were Children [z], their Ignorance and Immaturity was a more reaſonable Plea to ſhorten their Penance, and reſtore them more ſpeedily to Communion. The Council of *Agde* [a] contracted this Term of Penance univerſally for all ſuch Lapſers into Hereſy, reducing it to the Term of Three Years only. For though the Ancient Canons impoſed a longer Penance, yet they ſaw good Reaſon to relax this Severity, and make the Conditions of Reconciliation a little eaſier. The Council of *Epone* [b] repeats and confirms this Decree, with a little various Reading of one Clauſe, which reduces the Term of Penance to two Years only.

[y] Ibid. can. 3. [z] Ibid. can. 4. Pueris autem, quibus ignorantia ſuffragatur ætatis, aliqandiu ſub manus Impoſitione detentis, reddenda Communio eſt: Nec eorum expectanda Pœnitentia, quos excipit a Coercitione Cenſura.

[a] Conc. Agathen. can. 60. Lapſis, id eſt, qui in Catholica Fide baptizati ſunt, ſi prævaricatione damnabili poſt in hæreſim tranſierint, grandem redeundi difficultatem ſanxit Antiquitas. Quibus nos, annorum multitudine breviata, Pœnitentiam Biennii imponimus, ut præſcripto Biennio, tertio ſine relaxatione jejunent, & Eccleſiam ſtudeant frequentare, &c.

[b] Conc. Epaunen. can. 29. Præſcripto Biennio tertia die ſine dilatione jejunent, &c.

Sect. 17. *How this varied according to the Age and State and Condition of ſeveral Sorts of Hereticks.*

IT appears from ſome of the forementioned Canons, that a great Difference was made in the Term of Penance impoſed upon Hereticks, with Reſpect to the Age of the Offenders. Children were more favourably dealt with, by Reaſon of their Ignorance and want of mature Judgment, than adult Perſons. And we may obſerve the ſame Difference made in many other Caſes of the like Nature. They who were baptized and educated in the Catholick Faith, were more ſeverely treated, if after that they deſerted the Church, and fell into Hereſy, and eſpecially ſuch Hereſies as required them to take a new Baptiſm. The foreſaid Canons chiefly reſpect Deſerters; and particularly that of *Felix* in the *Roman* Council, ſuch as were rebaptized in Hereſy: Concerning which both the Civil and Eccleſiaſtical Laws ſpeak with great Indignation and Severity; the one confiſcating the Goods of all Rebaptizers, and baniſhing their Perſons; and the other requiring the rebaptized to go through a long Courſe of Penance in order to their Re-admiſſion to the Communion of the Church again; of which the Reader may find a more ample Account in a former Book [*] under the proper Title of Re-baptization. Whereas they that were born and bred and baptized originally among Hereticks, had more favourable Allowances made them, with Reſpect to their difficult Circumſtances, and great Prejudices naturally ariſing thence. This is expreſsly ſaid by St. *Auſtin* [c] in one of his Epiſtles to a *Donatiſt*

[*] Book XII. Chap. v. n. 7. [c] Aug. Ep. 48. ad Vincentium. p. 73. Aliter tractat illos qui eam deſerunt, ſi hoc ipſum Pœnitendo corrigant; aliter illos qui in ea nondum fuerunt, &

Donatiſt Biſhop: The Church has one Way of treating thoſe who deſert her, if ever they repent; and another Way of treating thoſe who were never before in her Boſom, till they come to beg her Peace: She humbles the former by a ſeverer Diſcipline, but receives the later more gently, loving both, and miniſtring to the Cure of both with the Charity and Affection of a Mother. So again, in his Book *of One Baptiſm* [*d*] againſt *Petilian*, We obſerve this Diſtinction, to humble thoſe who were once in the Catholick Church, and afterward deſert it, with a ſeverer Penance, than thoſe who were never in it. Neither do we admit them into the Clergy, whether they were rebaptized by them, or run over to them, or were Clergymen or Laymen among them. This Diſtinction was particularly obſerved by the *African* Synods with Relation to ſuch Perſons as were baptized in their Infancy among the *Donatiſts*: In the Council of *Carthage An.* 397, which is inſerted into the *African Code* [*e*], a Propoſal was made, That ſuch as had been baptized among the *Donatiſts* in their Infancy, by their Parents Fault, without their own Knowledge and Conſent, ſhould upon their Return to the Church, be allowed the Privilege of Ordination: And in the next Council [*f*] the Propoſal was accepted, and a Decree paſs'd accordingly in Favour of them.

& tunc primum ejus Pacem accipiunt: Illos amplius humiliando, iſtos lenius ſuſcipiendo, utroſque diligendo, utriſque ſanandis materna charitate ſerviendo.

[*d*] Aug. De Unico Bapt. cap. 12. Nec illud ſine diſtinctione præterimus, ut humiliorem agant Pœnitentiam qui jam Fideles Eccleſiam Catholicam deſeruerunt, quàm qui in illa nondum fuerunt. Nec ad Clericatum admittuntur, ſive ab Hæreticis rebaptizati ſint, ſive prius ſuſcepti ad illos redierint, ſive apud illos Clerici vel Laici fuerint. [*e*] Cod. African. can. 48. [*f*] Ibid. can. 58.

The Council of *Nice* [g] granted the ſame Indulgence to the *Novatian* Clergy: But we rarely find any of thoſe who deſerted the Church, in which they had been baptized, allowed this Privilege; the Laws being more peremptory againſt them, to debar them from all Clerical Dignity, and only receive them as private Chriſtians to Lay Communion.

Sect. 18. Hereſiarchs *more ſeverely treated than their Followers.*

YET Conſiderations of Prudence ſometimes obliged the Church to diſpenſe with thoſe Laws alſo, and receive even Deſerters, in ſome Caſes, to Clerical Dignity again; of which I have given ſome Inſtances in a former Book [*]. But then ſhe always ſet a Mark of Infamy upon *Hereſiarchs*, or firſt Founders of Hereſy, making a Diſtinction between them and thoſe that followed them; allowing the one ſometimes to continue in the Clerical Function upon their Repentance, but commonly Degrading the other without Hopes of Reſtitution. St. *Auſtin* takes Notice of this Difference in the Caſe of the *Donatiſts*: He ſays [h], The Church of *Africk* obſerved this Moderation from the Beginning toward them, according to the Decree made by thoſe in the *Roman* Church, who were appointed to judge and decide the Diſpute between *Cecilian* and the Party of *Donatus*: They condemned only *Donatus*, who was proved to be the Author of the Schiſm;

[g] Conc. Nic. can. 8. [*] Book IV. Chap. vii. n. 7, & 8.

[h] Aug. Ep. 50. ad Bonifac. p. 87. Hoc erga iſtos ab initio ſervavit Africa Catholica, ex Epiſcoporum ſententia qui in Eccleſia Romana inter Cecilianum & partem Donati judicaverunt, damnatoque uno quodam Donato, qui author ſchiſmatis fuiſſe manifeſtatus eſt, cæteros correctos, etiamſi extra Eccleſiam ordinati eſſent, in ſuis honoribus ſuſcipiendos eſſe cenſuerunt.

Schiſm; but ordered the reſt to be received in their Clerical Honours upon their Repentance, although they were ordained out of the Catholick Church.

Sect. 19. *And voluntary Deſerters more ſeverely, than they who comply'd only out of Fear.*

ANOTHER Diſtinction was made, as in the Caſe of Lapſers into Idolatry, between ſuch Hereticks as voluntarily deſerted the Church out of Choice, and thoſe who comply'd with heretical Errors only by Force and Compulſion, being terrified into them by the Violence of ſome Perſecution. In this later Caſe, Biſhops were allowed to moderate their Penance, as the Circumſtances of the Matter ſeemed to require. As appears from the Direction [*i*] given by Pope *Leo* to the Biſhop of *Aquileia*, concerning the Penance of ſuch as were compelled by Fear and Violence offered to them by certain Hereticks, to ſubmit to a ſecond Baptiſm: They were to be put under Penance, he ſays, for ſome time, but a Moderation was to be uſed in the Term of it, according to the Biſhop's Diſcretion.

Sect. 20. *A Difference made between ſuch Hereticks as retained the Form of Baptiſm, and ſuch as rejected or corrupted it.*

ANOTHER Difference was made between ſuch Hereticks as retained the due Form of Baptiſm, and thoſe who wholly rejected it, or corrupted it in any eſſential Part. The former were to be received only by Impoſition of Hands, confeſſing their Error, as having received a true Baptiſm, though out of the Church before; but

[*i*] Leo Ep. 77. ad Nicetam. cap. 6. Qui ad iterandum baptiſmum vel metu coacti ſunt, vel terrore traducti, his ea cuſtodienda eſt moderatio, qua in ſocietatem noſtram non niſi per Pœnitentiæ remedium & per impoſitionem Epiſcopalis manus, communionis recipiant unitatem, Temporis Pœnitudinis habita moderatione, tuo conſtituenda judicio, &c.

but the other were to be received only as Heathens, having never been truly baptized, and therefore were obliged to receive a new Baptiſm to make them Members of the Church. Of which becauſe I have given a full Account [*] elſewhere, I need ſay no more in this Place.

Sect. 21.
No one to be reputed a formal Heretick, before he contumaciouſly reſiſted the Admonition of the Church.

FINALLY, they made ſome Diſtinction between ſuch Hereticks as contumaciouſly reſiſted the Admonitions of the Church, and ſuch as never had any Admonition given them, or amended quietly upon the firſt Admonition. Men might entertain very dangerous Errors, but till the Church had given them a firſt and ſecond Admonition, according to the Apoſtle's Rule, they were not reputed formal Hereticks, nor treated as ſuch, till they joyned Contumacy to their Error. St. *Auſtin* [*k*] puts the Caſe thus between two Men, who are equally involved in the Error of *Photinianiſm*, denying the Divinity of CHRIST; but the one is baptized in Hereſy, out of the Communion of the Catholick Church; the other is baptized in the Catholick Church, having the ſame Error, which he believes to be the Catholick Faith: I do not yet call this Man an Heretick, unleſs when the Doctrine of the Catholick Faith is declared to him,

[*] Book XI. Chap. ii, *and* iii. *And* Scholaſt. Hiſt. of Bapt. Part. I. Chap. i. n. 20, &c. [*k*] Aug. de Bapt. Lib. 4. cap. 16. Conſtituamus duos aliquos iſto modo, unum eorum, verbi gratia, id ſentire de Chriſto quod Photinus opinatus eſt, & in ejus hæreſi baptizari extra Eccleſiæ Catholicæ communionem: alium vero hoc idem ſentire, ſed in Catholica baptizari, exiſtimantem iſtam eſſe Catholicam Fidem. Iſtum nondum Hæreticum dico, niſi manifeſtata ſibi doctrina Catholicæ Fidei reſiſtere maluerit, & illud quod tenebat elegerit; quod antequam fiat, manifeſtum eſt illum qui foris baptizatus eſt eſſe pejorem, &c.

him, he chuſes rather to reſiſt it, and hold to his former Opinion: Before he does this, he that is baptized out of the Church, is plainly the worſe of the two. But that Man is worſe than both the former, who knowing this Opinion, which he holds, only to be taught among Hereticks divided from the Church, yet for ſome ſecular End and Advantage chuſes to be baptized in the Church, and continue in it after Baptiſm: This Man is not only to be accounted a Separatiſt, but ſo much the more wicked one for adding Hereſy to his Error, and Diſſimulation and Hypocriſy to the Diviſion of the Faith. In another Place [*l*] he ſays, They are properly Hereticks, who when they are reproved for their unſound Opinions, contumaciouſly reſiſt; and inſtead of correcting their pernicious and damnable Doctrines, perſiſt in the Defence of them, and leave the Church, and become her Enemies. But they who [*m*] defend not their Opinion, though falſe and perverſe, with any pertinacious Animoſity, eſpecially if they were not the firſt Broachers of it, but received it from the Seduction of their Parents, and were careful in their Enquiries after Truth, being ready to embrace it when they found it; they were not to be reckoned among Hereticks. And with much ſtronger Reaſon, we have heard him [*n*] ſay before, That a Man who in extreme Neceſſity received Baptiſm from Hereticks, when he could not have a Catholick to adminiſter it to him,

[*l*] De Civ. Dei. Lib. 18. cap. 51. Qui in Eccleſia Chriſti morbidum aliquid pravumque ſapiunt, ſi correpti ut ſanum rectumque ſapiant, reſiſtunt contumaciter; ſuaque peſtifera & mortifera dogmata emendare nolunt, ſed defenſare perſiſtunt, Hæretici fiunt, & foras exeuntes, habentur in exercentibus inimicis. [*m*] Ep. 162. p. 277. *See this cited before*, Chap. i. n. 16. [*n*] Aug. De Bapt. Lib. 1. cap. 2. Lib. 6. cap. 5. Lib. 7. cap. 52. *See before*, Chap. i. n. 4.

was in no Fault, becauſe his Mind and Will was ſtill united to the Catholick Church. From all which it is eaſy to diſcern, how great a Difference they made in the Degrees of Hereſy and its Guilt, and how the Diſcipline of the Church was managed in a great Meaſure according to theſe Diſtinctions.

Sect. 22. *The like Diſtinctions obſerved in inflicting the Cenſures of the Church upon Schiſmaticks, according to the different Nature and various Degrees of their Schiſm.*

I HAVE already [*] ſhewed that a like Diſcrimination was made between Schiſmaticks of different Kinds, and that the Cenſures of the Church were inflicted on them only in Proportion to the Quality of their Offence, obſerving the different Nature and various Degrees of their Separation or Schiſm. Some only abſented from Church for a ſhort Time, ſuppoſe two or three *Lord's-Days* ſucceſſively, without any juſtifiable Reaſon for it: And it was thought ſufficient to correct ſuch by a moderate Puniſhment of as many Weeks Suſpenſion. Others attended ſome Part of the Service, ſuppoſe the Sermon, and the Pſalmody, and the firſt Prayers for the Catechumens; but then withdrew, as if they had been Penitents, when the Service of the Faithful or the Communion-Office came on, and the *Euchariſt* was to be offered and received by all that were not for ſome Fault excluded from it: And theſe as greater Criminals, were deny'd the Privilege of making any Oblations, and excluded for ſome Time from all other holy Offices of the Church. A third Sort of Separatiſts, which are moſt properly called Schiſmaticks, were ſuch as withdrew totally and univerſally from the Communion of the Church; pretending that her Commu-

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[*] Book XVI. Chap. i. n. 5.

nion was polluted and profane by the Mixture of Sinners; or finding out other ſuch Reaſons to charge her with ſinfull Terms of Communion, and juſtify their own Separation by many the like Pretences, of which the Hiſtory of the *Novatians* and *Donatiſts* affords many Inſtances. Now againſt theſe the Church commonly proceeded more ſeverely, uſing the higheſt Cenſure of Excommunication or *Anathema*, as againſt more profeſs'd and formal Schiſmaticks, and Deſtroyers of that inviolable Unity and Peace which ought to be moſt ſacredly preſerved in the Body of CHRIST. Of all which Schiſmaticks and their Puniſhments, becauſe I have ſpoken particularly before in diſcourſing of the Unity of the Church, I need ſay no more in this Place, but proceed to another Crime, that of Sacrilege, which comes next in order to be conſidered.

Sect. 23. *Of Sacrilege. Particularly of diverting Things appropriated to ſacred Uſes, to other Purpoſes.*

THE *Roman* Caſuiſts [o] are wont to call many Things Sacrilege, which the Ancients reckoned no Crimes at all: As the laying Taxes or Tribute upon Eccleſiaſticks by the Civil Power, without the Conſent of the Pope, for which ſecular Princes are excommunicated by the famous Bull in *Cœna Domini*, as they call it: And the bringing Eccleſiaſtical Perſons for any Crime before the ſecular Tribunals. Some other Things they brand with the odious Name of Sacrilege, which many of the Ancients reckoned to be Vertues, and Inſtances of Zeal and Piety towards GOD: As the removing of Images out of all Places of Divine Worſhip; for which the Council of *Eliberis*, and *Epiphanius*, and many others, were ſo remarkable

[o] Vid. Leſſius De Jure. Lib. 2 cap. 45. Dubitat. 3, & 4.

remarkable in ancient Hiſtory, who yet, if we were to ſpeak in the Style and Language of theſe Modern Caſuiſts, were to be reckoned guilty of the horrid Sin of Sacrilege. Since therefore the Matter ſtood thus, we are not to expect to find any Puniſhments in the Penitential Diſcipline of the ancient Church, allotted to ſuch mere pretended Crimes and imaginary Vices. But againſt real Sacrilege, none could be more zealous than the Ancients. Particularly againſt diverting any Thing to private Uſe, which was given to the publick Service of the Church. "If any one, ſay the *Apoſtolical Canons* [p], "either of the Clergy or Laity "take Wax or Oyl out of the Church, let him "be caſt out of Communion, and make Reſtitution "with the Addition of a fifth Part." And again [q], "Let no one divert to his own Uſe any of "the ſacred Utenſils of Gold, or Silver, or Linen; "for it is a flagitious Thing: And if any one be "apprehended ſo doing, let him be excommuni-"cated." So likewiſe in the fourth Council of *Carthage*, "Let thoſe [r] who deny the Church "ſuch Oblations as are given by the Dead, or give "them not without Difficulty, be excommunica-"ted as Murderers of the Poor." And the ſecond [s] Council of *Vaiſon*, "They who detain the "Oblations

[p] Canon Apoſt. 72. [q] Ibid. can. 73. [r] Conc. Carth. 4. can. 95. Qui Oblationes Defunctorum aut negant Eccleſiis, aut cum Difficultate reddunt, tanquam egentium necatores, excommunicentur. [s] Conc. Vaſenſe. 2. can. 4. Qui Oblationes defunctorum retinent, & Eccleſiis tradere demorantur, ut infideles ſunt ab Eccleſia abjiciendi: quia uſque ad inanitionem Fidei pervenire certum eſt hanc Pietatis Divinæ exacerbationem: quia & Fideles de corpore recedentes fraudantur votorum ſuorum plenitudine, & Pauperes conſolatu alimoniæ & neceſſaria ſubſtentatione fraudantur. Hi enim tales quaſi egentium necatores, nec credentes judicium Dei habendi ſunt. Unde & quidam Patrum ait, Amico quidpiam rapere, furtum eſt; Eccleſiam vero fraudare, ſacrilegium. Hieron. Ep. 2. ad Nepotian.

" Oblations, and refuſe to give them to the Church, " are to be caſt out of the Church as Infidels; for " ſuch a Provocation of GOD, is a denying of the " Faith: Both the Faithful, who are gone out of " the Body, are defrauded of the Plenitude of " their Vows, and the Poor alſo of the Comfort of " their Food and neceſſary Subſiſtance. Such are " to be eſteemed Murderers of the Poor and In- " fidels with reſpect to the Judgment of GOD." Whence one of the Fathers ſays, To take from a Friend, is Theft; but to defraud the Church, is Sacrilege. This is cited from St. *Jerom.* And St. *Ambroſe* [*t*] goes a little farther, and ſays, They who give their own Eſtates to the Church, and then in a fickle Humour retract, and revoke them again, like *Ananias* and *Sapphira*, loſe the Reward both of their firſt and ſecond Action: The firſt Act is void of Judgment, and the ſecond is downright Sacrilege. Therefore, whether a Man retracted what he himſelf had given to the Church, or detained what was given by others, or robbed her of what ſhe was actually poſſeſs'd of, it was all the ſame Species of Sacrilege, and the Canons [*u*] equally puniſh them all with the ſame Sentence of Excommunication; reducing Clergymen, when found guilty of this Crime, to the Communion of Strangers, which was a Puniſhment peculiar to them, of which more hereafter. I have already ſhewed in a former Book [*] That for this Reaſon Biſhops, who were intruſted with the Goods and Revenues of the Church,

[*t*] Ambroſ. de Pœnitent. Lib. 2. cap. 9. Sunt qui opes ſuas tumultuario mentis impulſu, non judicio perpetuo, ubi Eccleſiæ contulerunt, poſtea revocandas putaverunt. Quibus nec prima merces rata eſt, nec ſecunda: quia nec prima judicium habuit & ſecunda habuit ſacrilegium. [*u*] Vid. Conc. Agathenſe. can. 4, 5, 6. Conc. Turon. 2. can. 24. Conc. Arelat. 2. can. 28. [*] Book V. Chap. vi. n. 6, and 7.

Church, were not allowed to alienate any Part of them, except it were in great Neceſſity, to relieve the Poor, or redeem Captives; in which Caſe, St. *Ambroſe* himſelf, and many others, diſpoſed of the Plate of the Altar, and the Veſſels and Utenſils belonging to the Church; thinking it better, that the inanimate Temples of GOD ſhould want their Ornaments, than that his living Temples ſhould periſh for want of Relief. This was not Sacrilege in the Eye of the Law, either Eccleſiaſtical or Civil, but an Act of Mercy allowed by both: For the Laws againſt Sacrilege, next to the Honour of GOD, had always a View to the Neceſſities of the Poor: And therefore as this Practice tended to relieve them in great Exigencies, it was juſt the Reverſe of that inhuman Sacrilege, which the Ancients called Murdering the Poor, againſt which ſo many ſevere Laws were made to aboliſh and correct it.

Sect. 24. *Of Sacrilege committed in Robbing of Graves.*

ANOTHER great Crime of near a-kin to the former, which was ſometimes condemned and puniſhed under the Name of Sacrilege, was Robbing of Graves, or Defacing and Spoiling the Monuments of the Dead. Theſe were always eſteemed a Sort of ſacred Repoſitories, and inviolable Sanctuaries even by the very Heathen, as appears from the Edict of *Julian* [x], and what *Gothofred* [y] has collected at large out of the old Laws and Heathen Writers upon the Subject. And the Violation of them was always eſteemed a Piacular Crime, and ſometimes puniſhed with Death. The Imperial Laws made it Capital, and therefore when the Chriſtian Emperors at *Eaſter* granted their Indulgence or Pardon to Criminals

[x] Cod. Theod. Lib. 9. Tit. 17. De ſepulchris Violatis. Leg. 5.
[y] Gothofr. in Leg. 2. ibid.

Criminals in Priſon, they ſtill excepted Robbers of Graves [z] among thoſe other flagitious Criminals, which were to have no Benefit from their Indulgence, as has been ſhewed before [*] in ſpeaking of thoſe called *Atrocia Crimina*, Great and Capital Crimes. That which tempted Men to commit this Wickedneſs, was, That often Riches and Jewels were bury'd with the Dead, and fine Marble Pillars and Statues, Ornaments and Monuments were erected over their Graves; all which became Spoil and Plunder to ſuch as were impiouſly and ſacrilegiouſly diſpoſed to invade them. Now as the Imperial Laws proſecuted ſuch Criminals with ſuitable Puniſhments, Fines, Tortures, Tranſportation and Death: So the Eccleſiaſtical Laws purſued them with ſpiritual Penalties, agreeable to her ſpiritual Regimen and Juriſdiction. *Gregory Nyſſen* [a] ſays, The holy Fathers teach us to place the Violation of Burial Places among thoſe Sins, which are to be expiated by publick Penance. But he diſtinguiſhes two Degrees of this Crime, the one puniſhable by Eccleſiaſtical Cenſure, the other not ſo. For if any one took the Stones or Materials, which are uſually caſt up before the Burial-Places of the Dead, and apply'd them to ſome other uſeful Purpoſe, without expoſing the Corps to the Air or Light, or offering any Abuſe or Injury to it: Though this was not commendable or allowable; (for indeed the Civil Laws abſolutely forbad [b] it, as was ſaid before;) yet Cuſtom however exempted this from any publick Puniſhment in the Church, becauſe there was ſome Benefit in it by an Application of the Materials to a more uſeful Purpoſe; and as *Gothofred* [c] alſo

[z] Cod. Theod. De Indulgentiis Criminum. Lib. 9. Tit. 38. Leg. 3, 4, 7, 8. Valentin. Novel. 5. De ſepulchr. [*] Chap. IV. n. 2. [a] Nyſſ. Ep. Canon. ad Letoium. can. 6, & 7. [b] Cod. Theod. Lib. 9. Tit. 17. De ſepulchr. violatis. Leg. 1, 2, 3.

[c] alſo obſerves, There was ſomething of ſeeming Zeal in it, to demoliſh the Heathen Altars and Images, which were often erected at the Graves of Pagans. But then, as *Gregory* adds, there was another Degree of this Crime, which was more horrible, when Men raked into the Aſhes of the Dead, and diſturbed their Bones, in Purſuit of Treaſure, Cloaths, or other Ornaments, that might be bury'd with them: And this, he ſays, was puniſhed with the ſame Term of Penance as ſimple Fornication, that is, Nine Years in the ſeveral Stations of Repentance. The fourth Council of *Toledo* [d] makes it a double Puniſhment for any Clergyman to be guilty of this Crime: "If any Clerk is apprehended Demoliſhing Sepulchres, for as much as "this is a Crime of Sacrilege puniſhable with Death "by the publick Laws, he ought by the Canons to "be depoſed from his Orders, and after that do "three Years Penance for ſuch his Tranſgreſſion." The Reader that pleaſes may ſee elegant Invectives againſt this Crime in *Sidonius Apollinaris* [e] and St. *Chryſoſtom* [f], who juſtly repreſent it as one of the moſt unnatural and inhuman Barbarities that can be offered to the Nature of Man, becauſe the Dead are altogether innocent and paſſive, and in a Condition to excite Pity and Compaſſion only; being deſtitute and without Ability to reſiſt or right themſelves againſt Invaders.

ANOTHER

[c] Gothofr. in Leg. 5. ibid. p. 145. [d] Conc. Tolet. 4. can. 45. Si quis Clericus in demoliendis Sepulchris fuerit deprehenſus, quia facinus hoc pro Sacrilegio Legibus publicis ſanguine vindicatur: oportet Canonibus in tali ſcelere proditum, a Clericatus Ordine ſubmoveri, & Pœnitentiæ triennio deputari. [e] Sidon. Lib. 3. Ep. 12. [f] Chryſ. Hom. 35. in 1 Cor. p. 6.

Sect. 25.

The Sacrilege of the ancient Traditors, *who delivered up their* Bibles *and holy Utenſils to the Heathen to be burnt.*

ANOTHER Sort of Men, who were anciently accuſed and condemned as ſacrilegious Perſons, were thoſe whom they commonly called *Traditors*, for delivering up their *Bibles*, and other ſacred Utenſils of the Church to the Heathen to be burnt, in the Time of the *Diocletian* Perſecution. The firſt Council of *Arles* [*g*] held immediately after the Perſecution, makes it Depoſition from his Order for any Clergyman, who could be convicted by the publick Acts of this Crime, either of Betraying the Scriptures, or any of the holy Veſſels, or the Names of his Brethren to the Perſecutors. The *Donatiſts* frequently, but falſely objected this Crime to *Cecilian* Biſhop of *Carthage*, and thoſe that ordained him, That they were *Traditors*: Upon which St. *Auſtin* [*h*] tells them, That if they could evidently make good the Charge, the *Catholicks* would not ſcruple to anathematize them after Death. But the Truth of the Matter was, Theſe very Objectors were *Traditors* themſelves, though they had the Impudence to abſolve one another, while they threw the Charge upon innocent Men, as *Optatus* [*i*] and St. *Auſtin* [*k*] ſhew out of the Acts of their own Council of *Cirta*, where they acted this Comedy, which ſtood as a Witneſs againſt them.

NEITHER

[*g*] Conc. Arelat. 1. can. 13. De his qui ſcripturas ſanctas tradidiſſe dicuntur, vel Vaſa Dominica, vel nomina Fratrum ſuorum, placuit nobis, ut quicunque eorum in Actis publicis fuerit detectus, non verbis nudis, ab Ordine Cleri amoveatur.

[*h*] Aug. Ep. 50. ad Bonifac. Ep. 152. ad Donatiſtas.

[*i*] Optat. Lib. 1. p. 39. [*k*] Aug. cont. Creſcon. Lib. 3. cap. 27, &c.

Sect. 26. *The Sacrilege of Profaning the Sacraments, and Churches, and Altars, and the Holy Scriptures,* &c.

NEITHER was this the only Sacrilege the *Donatiſts* were guilty of, but they and their Accomplices ſtand charged with many others. *Optatus* objects [*l*] to them their Breaking and Burning the Communion Tables which they found in the Catholick Churches. And their Profaning the Holy Sacrament in a moſt vile manner, of which he gives a moſt remarkable Inſtance: Some of the *Donatiſt* Biſhops in their mad Zeal ordered the *Euchariſt*, which they found in the Catholick Churches, to be thrown to the Dogs, but not without an immediate Sign of Divine Vengeance upon them: For the Dogs inſtead of Devouring the Elements, fell upon their Maſters, as if they had never known them, and tore them to pieces, as Robbers, and Profaners of the Holy Body of CHRIST: Which makes *Optatus* put them in mind of that Admonition of our SAVIOUR, *Give not that which is Holy unto the Dogs, neither caſt ye your Pearls before Swine, leſt they trample them under their Feet, and turn again and rent you.* It was a like Profanation of the Holy *Euchariſt*, which *Cornelius* charges upon *Novatian* [*n*] when he obliged his Partizans, inſtead of ſaying *Amen*, at the Reception of it, to ſwear by the Body and Blood of CHRIST, that they would never deſert his Party, nor return to *Cornelius*. It was alſo reckoned a Piece of Sacrilege to give the Catholick Churches to Hereticks, in which St. *Ambroſe* ſtoutly oppoſed the Younger *Valentinian*, when he ſent him an Order to deliver up one of the Churches of *Milan* to the *Arians*: He returned him this couragious Anſwer, Thoſe Things [*o*] which

[*l*] Optat. Lib. 6. p. 94. & 95. [*m*] Lib. 2. p. 55.
[*n*] Cornel. Ep. ad Fabium. ap. Euſeb. Lib. 6. cap. 43.

[o] which are GOD's, are not ſubject to the Emperor's Power. If my Patrimony is demanded, you may invade it; if my Body, I will offer it of my own Accord. I will not fly to the Altar, and ſupplicate for Life, but more joyfully ſacrifice my Life for the Altar. There are ſome Inſtances of Men turning Churches [p] into Stables: But as theſe were very abominable, ſo there were but Few that fell into ſuch prodigious Profanations. We may reckon alſo all Sorts of Idolatry, and Divination, and Magick, and the Abuſe of Scriptures for Lots and Charms and Amulets among the Species of Sacrilege, as ſome of the Ancient Councils do [q]: But I have ſpoken fully of theſe under former Heads, and therefore there is no Occaſion here to repeat them. I only add, That to moleſt or hinder a Clergyman in the Performance of his proper Office by Avocation to other Buſineſs, and laying him under a Neceſſity of following other Imployments inconſiſtent with the Duties of his proper Station and Function, is, in the *Civil Law*, called Sacrilege. *Conſtantine* in his firſt Settlement of Religion made a Law [r], That they who miniſtred in the Service of GOD, ſhould be excuſed from all Perſonal Duties in the State; that the ſacrilegious Envy of ſome, who gave them Diſturbance, might not withdraw them from the Service of Religion. And agreeable to the Tenour of this Law, we find a Rule of the Church as ancient as St. *Cyprian*, That no one ſhould imploy a Clergyman in the

[o] Ambroſ. Ep. 33. ad Marcellin. de tradendis Baſilicis.

[p] Vid. Baron. an. 572. p. 575. De Chariberto Rege. [q] Conc. Toletan. 4. can. 28. [r] Cod. Theod. Lib. 16. Tit. 2. De Epiſc. & Cler. Leg. 2. Qui divino cultui miniſteria Religionis impendunt, id eſt, hi qui Clerici appellantur, ab omnibus omnino muneribus excuſantur: Ne ſacrilego livore quorundam a Divinis obſequiis avocentur. Vid. Leg. 7. ibid.

Buſineſs of a ſecular Truſt [*s*], to be a Guardian or Curator of his worldly Concerns by his laſt Will and Teſtament, under the Penalty of Excommunication, or having his Name blotted out of the *Diptychs* of the Church after Death.

THERE are Abundance of Laws in the *Theodoſian Code*, beſide that of *Conſtantine*, ſettling great Privileges, Exemptions, and Immunities upon the Clergy, in regard to their Office; as alſo upon Churches, in regard to the Reſpect and Veneration that is due to them, as the Houſes of GOD and Places of Divine Worſhip: Upon which Account they were made Sanctuaries or Places of Refuge for Men in certain proper Caſes, whence they might not be taken by Violence, without the Imputation of a ſort of Sacrilege fixed on the Invaders. But of all theſe Privileges and Immunities, I have had Occaſion to diſcourſe at large [*] before, in ſpeaking of Churches and the Clergy, and therefore need not here repeat them; but only mention a Law of *Honorius* [*t*], which expreſsly charges the Crime of Sacrilege upon all ſuch as offered any Injury or Affront to Miniſters officiating in the Church, or to the Service itſelf, or to the Place: Ordering all ſuch Criminals to be notified by publick Officers (not waiting for the Biſhop's Accuſation of them) to the Governor of the Province, who was to proceed againſt them, and condemn them

[*s*] Cypr. Ep. 66. al. 1. ad Cler. Furnitan. p. 3. [*] Book V. Chap. iii. Book VIII. Chap. xi. [*t*] Cod. Theod. Lib. 16. Tit. 2. De Epiſc. Leg. 31. Si quis in hoc genus ſacrilegii proruperit, in Eccleſias Catholicas irruens, Sacerdotibus & Miniſtris, vel ipſi Cultui, Locoque aliquid inportet injuriæ — Provinciæ Moderator, Sacerdotum & Catholicæ Eccleſiæ Miniſtrorum, Loci quoque ipſius, & Divini Cultus injuriam, Capitali in convictos ſive confeſſos reos ſententia noverit vindicandum. Nec expectet ut Epiſcopus injuriæ propriæ ultionem depoſcat, cui ſanctitas ignoſcendi ſolùm gloriam dereliquit, &c.

them with the Puniſhment of Capital Offenders.

Sect. 27. *The Sacrilege of Depriving Men of the Uſe of the Scripture, and the Word of God, and the Sacraments, particularly of the Cup in the Lord's-Supper.*

THERE is one Species of Sacrilege more, which the Caſuiſts of the *Romiſh* Church for a good Reaſon never mention: That is, the grand Sacrilege of their own Church in Depriving Men of the Uſe of the Holy Scriptures, and the Cup in the Lord's-Supper, both which, with unparallel'd magiſterial Authority are ſacrilegiouſly and injuriouſly taken from them. That the Ancients reckoned it the Sin of Sacrilege to divide the Communion without Reaſon, and deny Men the Uſe of the Cup, needs no other Proof at preſent but the Teſtimony of *Gelaſius*, one of their own Popes, which is ſtill extant in their *Canon-Law* [*u*], in the Words of the following Decree: "We underſtand there "are ſome, who receive only a Portion of the "Holy Body, and abſtain from the Cup of the "Holy Blood. Who doubtleſs being bound by "ſome vain Superſtition, ought either to receive "the whole Sacrament, or to be excluded from the "Whole: Becauſe one and the ſame Myſtery can-"not without grand Sacrilege be divided." Such ſacrilegious Dividers of the Communion, are alſo condemned by Pope *Leo* [*x*], and ordered to be excommunicated. And they who take the *Euchariſt*, and uſe it for any other End beſides Communicating, are cenſured by the firſt Council of *Toledo*,

[*u*] Gelaſ. ap. Gratian. De Conſecrat. Diſt. 2. cap. 12. Comperimus autem, quod quidam ſumpta tantummodo corporis ſacri portione, a Calice ſacri cruoris abſtineant. Qui proculdubio (quoniam neſcio qua ſuperſtitione docentur obſtringi) aut integra Sacramenta percipiant, aut ab integris arceantur: Quia Diviſio unius ejuſdemque Myſterii ſine grandi Sacrilegio non poteſt provenire. [*x*] Leo. Ser. 4. De Quadrageſima.

Can. 14. and that of *Cæſarauguſta*, Can. 3. as ſacrilegious alſo, deſerving to be baniſhed the Church with *Anathema* or Excommunication. But of theſe, I have diſcourſed more at large in a former Book. See *Book* XV. *Chap.* iv. *n.* 13. and *Chap.* v. *n.* 1. againſt Communicating in one Kind.

THERE were many Hereticks in the ancient Church, who were guilty of Sacrilege in relation to the other Sacrament of Baptiſm. Some rejected it wholly, others corrupted it in the material Part, and others in the Form of Words neceſſary to the Adminiſtration: Of all which the Reader may find a large Account in a former Book [*], which particularly handles the Subject of Baptiſm. But there were none that ever preſumed ſacrilegiouſly to deny Chriſtians their proper Birth-right, which is to read the Scriptures. Some Hereticks corrupted them; and others rejected ſuch Parcels of them, as they thought moſt oppoſite to their peculiar Notions: But none, who allowed them to be the inſpired Writings and Oracles of the Holy Ghoſt, ever deny'd the People Liberty to ſearch and examine them for their own Inſtruction. This is a Piece of Sacrilege peculiar to theſe later Ages, which the Ancients knew nothing of, and therefore had no Occaſion to make Canons or Rules of Diſcipline to correct it. There are many Exhortations to read the Scriptures; but no Orders to keep them locked up in an unknown Tongue, or to forbid the People to uſe them upon any Occaſion. And the only Reaſon why there are no Cenſures anciently to be found againſt this Sort of Sacrilege, is, becauſe the Sin itſelf was utterly unknown to the Primitive Ages.

THERE was indeed ſometimes a Neglect in ignorant or careleſs Teachers in Preaching the Word of

[*] Book II. Chap. ii, and iii.

of GOD to the People: And this is cenſured by ſome Laws [y] even in the *Civil Code*, as a ſacrilegious Withdrawing from the People the neceſſary Food of their Souls. But of this I need ſay no more in this Place, having fully repreſented the Laws [*] obliging Biſhops and Presbyters to be faithful and diligent in Diſcharging this Part of their Duty, while we were diſcourſing of Preaching, and the Uſages relating to it, in the ancient Church.

THERE are ſome other Things, which ſometimes bear the Name of Sacrilege; but becauſe they more properly belong to other Species of Sin, as Breach of Vows, to Perjury; and Defilement of conſecrated Virgins, to Fornication; we will conſider the Diſcipline and Treatment of theſe and the like Offences, under their proper Heads, and proceed to the laſt Sort of Sin, which ſhews Irreverence to GOD in the Uſe of ſacred Things, commonly called *Simony*, which is alſo a Sort of Sacrilege, becauſe it ſets ſpiritual and ſacred Things to Sale, which are not the Subject of a ſecular Contract.

Sect. 28. *Of* Simony *in Buying and Selling ſpiritual Gifts.*

THIS is commonly diſtinguiſhed by the Ancients into Three Sorts. 1. Buying and Selling of ſpiritual Gifts. 2. Buying and Selling of ſpiritual Preferments. 3. Ambitious Uſurpation, and ſacrilegious Intruſion into Eccleſiaſtical Functions without any legal Election or Ordination. The firſt Sort was that which moſt properly had the Name of *Simony* from *Simon Magus*, who pretended with Money to purchaſe the Gift of the Holy Ghoſt. And this was always thought to be committed, when Men either offered or received Money for Ordinations. Which was a Crime of a very high

[y] Cod. Theod. Lib. 16. Tit. 2. De Epiſcopis. Leg. 25. Theodoſii M. Qui Divinæ Legis ſanctitatem aut neſciendo confundunt, aut negligendo violant & offendunt, ſacrilegium committunt. [*] Book XIV. Chap. iv. n 2.

Nature, and always puniſhed with the ſevereſt Cenſures of the Church. The *Apoſtolical Canons* [z] ſeem to lay a double Puniſhment, both Depoſition and Excommunication, upon ſuch of the Clergy as were found guilty of this Crime: "If any Biſhop, "Presbyter, or Deacon obtain this Dignity for "Money, both he that is ordained, and the "Ordainer, ſhall be depoſed, and alſo cut off from "all Communion, as *Simon Magus* was by *Peter*." The general Council of *Chalcedon* has a Canon to the ſame Purpoſe, "[a] That if any Biſhop gave "an Ordination, or any Eccleſiaſtical Office, or "Preferment of any Kind for Money, he himſelf "ſhould loſe his Office, and the Party ſo preferr'd "be depoſed." The ſame Puniſhment is appointed in the ſecond Council of *Orleans* [b], the ſecond of *Braga* [c], the fourth of *Toledo* [d], the eleventh of *Toledo* [e], the Council of *Conſtantinople* under *Gennadius* [f], the Decrees of *Gelaſius* [g], *Symmachus* [h], *Hormiſdas* [i] and *Gregory the Great* [k], St. *Baſil* [l], the ſecond Council of *Nice* [m] and the Council of *Trullo* [n]. Particularly the eighth Council of *Toledo* [o] makes it both Degradation and

[z] Can. Apoſt. 29. καθαιρείσθω καὶ αὐτὸς καὶ ὁ χειροτονήσας, καὶ ἐκκοπτέσθω παντάπασι καὶ τῆς κοινωνίας, ὡς σίμων ὁ μάγος ὑπ' ἐμοῦ πέτρου. [a] Conc. Chalced. c. 2. [b] Conc. Aurelian. 2. can. 3, & 4. [c] Conc. Bracar. 2. can. 3. [d] Conc. Tolet. 4. can. 18. [e] Conc. Tolet. 11. can. 8. [f] Conc. C. P. Epiſt. Synod. Conc. Tom. 4. p. 1025. [g] Gelaſ. Decret. Ep. 1. ad Epiſc. Lucaniæ cap. 26. [h] Symmach. Decret. cap. 2. [i] Hormiſd. Epiſt. ad Epiſc. Hiſpan. cap. 2. [k] Greg. Lib. 7. Ep. 110. [l] Baſil. Ep. 76. ad Epiſcopos. [m] Conc. Nic. 2. can. 5. [n] Conc. Trul. can. 22.

[o] Conc. Tolet. 8. can. 3. Quicunque propter accipiendam ſacerdotii dignitatem quodlibet præmium fuerit detectus obtuliſſe, ex eodem tempore ſe noverit Anathematis opprobrio condemnatum, atque a participatione Chriſti corporis & ſanguinis alienum. —— Illi vero qui hac cauſa munerum acceptores exiterint; ſi Clerici fuerint, Honoris amiſſione mulctentur: Si Laici, anathemate perpetuo condemnentur.

and Excommunication in every Clerk ſo ordained. And alſo puniſhes the Receivers of Simoniacal Gifts with equal Severity; if Clergymen, with the Loſs of their Honour; if Laymen, with perpetual Excommunication to the Hour of Death. And the *Civil Law* alſo provided [p] in this Caſe, to prevent Simoniacal Ordinations, That both Perſons ordained, and alſo their Electors and Ordainers ſhould all take an Oath, That there was nothing given or received, or ſo much as contracted or promiſed for any ſuch Election or Ordination. And for any Biſhop to ordain another without obſerving this Rule, is Depoſition by the ſame Law, both for himſelf, and him that is ſo ordained by him.

THE Ancients alſo reduce to this ſort of *Simony*, the exacting of any Reward for adminiſtring Baptiſm, or the *Euchariſt*, or Confirmation, or Burying, or Conſecration of Churches, or any the like ſpiritual Offices, which were to be adminiſtred freely without demanding any Reward. The Council of *Trullo* [q] particularly forbids any Clergyman to require any thing for adminiſtring the *Euchariſt*: For Grace is not to be ſet to Sale, neither do we impart the Sanctification of the Spirit for Money, but give it without Craft to all that are worthy. And he that does otherwiſe, ſhall be depoſed as a Follower of the wicked Error of *Simon Magus*. The Eleventh Council of *Toledo* forbids not only the taking of Money for Promotions to holy Orders, but alſo for adminiſtring Baptiſm, or Confirmation [r] or *Chriſm*; and the Biſhop that connives at any of his Clergy ſo doing, is ordered to be excommunicated for two Months: And if a Presbyter without his Knowledge commits ſuch

[p] Vid. Juſtin. Novel. 123. cap. 1. Novel. 137. cap. 2.
[q] Conc. Trul. can. 23. [r] Conc. Toled. 11. can. 7.

Offence, he is to be excommunicated four Months: A Deacon three Months; and thoſe of the Inferior Orders, excommunicated at Diſcretion. There are ſeveral other ancient Canons to the ſame Purpoſe in the Councils of *Eliberis* [*s*], and *Braga* [*t*], and the Decrees of *Gelaſius* [*u*] which have been mentioned on another Occaſion [*], where we treated of the proper Methods of raiſing Funds and Maintenance for the Clergy, and need not here be repeated.

Sect. 29. *Of* Simony *in purchaſing Eccleſiaſtical Preferments.*

BUT they did not only call that *Simony*, which conſiſted in trafficking for the Gifts of the Holy Spirit, but alſo all Purchaſes made of the ſpiritual Preferments of the Church, and all Promotions made without juſt Merit, out of mere Favour and Affection. The Council of *Chalcedon* [*x*] not only threatens Depoſition to any Biſhop that ſets Grace to Sale, and ordains a Biſhop, or *Chorepiſcopus*, or Presbyter, or Deacon, or any Clerk for Money; but alſo if he promotes an *OEconomus* or Steward, or an *Ecdicus*, that is, an Advocate or Defenſor, or a *Paramonarius*, that is, a Bailiff or Steward of the Lands, for his own filthy Lucre. And both the Clergy ſo ordained, are to be degraded; and the Officers ſo promoted, to loſe their Places: And if any one be Inſtrumental as a Mediator in ſuch diſhonourable and unlawful Traffick; if he be a Clerk, he is to be degraded; if a Layman, or a Monk, to be anathematized. By the Laws of *Juſtinian* [*y*] every Elector was to depoſe upon Oath, that he did not chuſe the Party elected either for any Gift or Promiſe, or Friendſhip,

[*s*] Conc. Elib. can. 48. [*t*] Conc. Bracar. 2. al. 3. can. 7. [*u*] Gelaſ. Ep. al. 9. ad Epiſc. Lucan. cap 7. [*] Book V. Chap. iv. n. 14. [*x*] Conc. Chalced. can. 2. [*y*] Juſtin. Novel. 123. cap. 1.

Friendſhip, or any other Cauſe, but only becauſe he knew him to be a Man of the true Catholick Faith, and unblameable Life, and good Learning. *Gregory the Great* ſays [z], there were ſome who took no Reward of Money for Ordination, and yet were in ſome Meaſure guilty of *Simony*, becauſe they gave holy Orders for human Favour, and thence ſought the Reward of Praiſe and Favour among Men. They did not give freely what they had freely received, becauſe for giving an holy Office they required the Gift of Favour. For there were three Sorts of Bribes, one from Obſequiouſneſs, another from the Hand, and another from the Tongue. That from Obſequiouſneſs was a ſervile Subjection unduly paid; that from the Hand was Money; that from the Tongue was Favour. But whether this Sort of *Simony* made Men liable to Eccleſiaſtical Cenſure, he does not ſay, but only ſpeaks againſt it as a great Corruption from which they who give holy Orders, ought to keep themſelves free, according to that of the Prophet, *Iſa.* xxxiii. 15. *He that ſhaketh his Hands from holding of Bribes.*

Sect. 30. *Of* Simony *in ambitious Uſurpation of holy Offices, and Intruſion into other Mens Places and Preferments.*

THE laſt Sort of *Simony* was when Men by ambitious Arts and undue Practices, by the Favour and Power of ſome great or wealthy Perſon, got themſelves inveſted in any Office or Preferment, to which they had no regular Call or legal Title: Or when they intruded themſelves into other Mens Places, which were legally

[z] Greg. Hom. 2. in Evangel. Sunt nonnulli qui quidem nummorum præmia ex Ordinatione non accipiunt, & tamen ſacros Ordines pro humana gratia largiuntur, atque de largitate eâdem Laudis ſolummodo retributionem quærunt. Hi nimirum

legally filled before. This was the common Practice of ſchiſmatical and other ambitious Spirits, who would either thruſt themſelves irregularly into a vacant See, or uſurp upon one that was already lawfully poſſeſſed and held by another. Thus *Novatian* got himſelf clancularly and ſimoniacally ordained to the Biſhoprick of *Rome*, to which *Cornelius* had been legally ordained before him, as *Cyprian* [*a*] and others often complain. And ſo *Majorinus* was ordined Anti-Biſhop of *Carthage* in Oppoſition to *Cecilian* the legal Biſhop, by the help of *Lucilla* a wealthy Woman, who ſpirited the Faction that was the firſt Beginning of the Schiſm of the *Donatiſts*, as *Optatus* [*b*] and St. *Auſtin* at large inform us. Now all ſuch Ordinations, being founded on Ambition and Uſurpation, and generally obtained either by Force, or Favour, or Fraud, or Bribery, were uſually vacated and declared Null, and both the ordained and their Ordainers proſecuted as Criminals by Degradation and Reduction to the State and Communion of Lay-men: Of which becauſe I have given a full Account in a former Book [*], I will not ſtand to make any farther Proof in his Place. But only note, That it was equally a ſimoniacal Crime for any Biſhop ambitiouſly to thruſt himſelf irregularly into any vacant See, or remove himſelf by any ſiniſter Arts from a leſſer See to a greater, in Contempt and Deſpite

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rum quod gratis acceptum eſt, gratis non tribuunt, quia de impenſo Officio ſanctitatis nummum expetunt Favoris.— Aliud munus eſt ab Obſequio, aliud munus a manu, aliud munus a Lingua. Mnnus quippe ab Obſequio eſt ſubjectio indebite impenſa; munus a manu pecunia eſt; munus a Lingua Favor.

[*a*] Cypr. Ep. 52. al 55. ad Antonian. p. 104. Ep. 41, & 42. ad Cornel. & Cornel. ap. Euſeb. Lib. 6. cap. 43. [*b*] Optat. Lib. 1. p. 41, & 42. Aug. cont. Epiſt. Parmen. Lib. 1. cap. 3.

[*] *Scholaſt. Hiſt. of Bapt.* Part II. Chap. ii. and iv.

Deſpite of the Rules preſcribed by the Church in that Caſe to be obſerved. For as I have noted in ſpeaking formerly [†] upon this Subject, there were many ſevere Laws made againſt Biſhops arbitrarily removing themſelves from one See to another. Though the Tranſlation of Biſhops was not abſolutely and univerſally forbidden (becauſe the Church had ſometimes occaſion for this Expedient:) Yet Care was taken, that ambitious Spirits ſhould not move themſelves at Pleaſure, but all Tranſlations were regularly to be made only by the Authority, Conſent and Approbation of a Provincial Council: And to do otherwiſe was eſteemed a Crime of ſimoniacal Ambition of the higheſt Nature, as proceeding from Avarice or Love of Pre-eminence, and uſing irregular Methods, Bribery, Favour and Faction to compaſs an End againſt the Laws of the Church. And therefore the ancient Canons of *Nice* [*c*] and *Antioch*, and thoſe called *Apoſtolical*, not only barely forbid and diſallow this Practice: But the Council of *Sardica* [*d*], finding by Experience that ſimple Prohibitions were not ſufficient to repreſs it, and reſtrain aſpiring Men from it, backed her Injunctions with the higheſt Cenſures, making two very remarkable Canons, which run in theſe Words: "That evil Cuſtom and pernici-
"ous Corruption is by all Means to be rooted out,
"That no Biſhop have Liberty to remove himſelf
"from a leſſer City to another. For the Reaſon
"why he does this, is plain; ſeeing we never find
"a Biſhop labouring to remove himſelf from a
"greater City to a leſs. Whence it is manifeſt,
"that all ſuch are inflamed with Ardor of Cove-
"touſneſs,

[†] Book VI. Chap. iv. n. 6. [*c*] Conc. Nic. can. 15. Conc. Antioch. can. 21. Apoſt. can. 14. [*d*] Conc. Sardic. can. 1, & 2.

" touſneſs, and rather ſerve their Ambition and " Vainglory, that they may ſeem to be inveſted " with greater Authority and Power. Wherefore " this ſiniſter Practice ought to be puniſhed more " ſeverely". And in my Opinion, ſays *Hoſius* the Preſident of the Council, ſuch ought not to be allowed ſo much as Lay-Communion. The next Canon adds, " That if any one be ſo vain or " preſumptuous, as to think to excuſe himſelf in " this Matter, by ſaying, that he received Letters " of Invitation from the People: Seeing it is poſ- " ſible ſome might be corrupted by Bribes and " Rewards to raiſe a Faction in the Church, and " deſire to have him for their Biſhop:" I think, ſays *Hoſius* again, theſe fraudulent Arts and underhand Practices ought to be undoubtedly puniſhed, ſo as that ſuch an one ſhould not be allowed even Lay-Communion at his laſt Hour. And to this the Council readily agreed: Which ſhews what Apprehenſions they had of this Sort of *Simony*, as moſt dangerous and pernicious to the Church. And it is worth remarking farther, That whereas it might happen, that ſuch an ambitious Biſhop might by the Power of a Faction, be able to maintain himſelf in his Uſurpation, in Spite of all Eccleſiaſtical Cenſures: Therefore in this Caſe the third Council of *Carthage* gave Orders [*e*], That Recourſe ſhould be had to the ſecular Magiſtrate againſt ſuch a refractory and contumacious Biſhop, who would not ſubmit to the milder Sentence of an Admonition; and that in ſuch an Exigence of abſolute Neceſſity

[*e*] Conc. Carth. 3. can. 38. Neceſſitate ipſa cogente liberum ſit nobis, Rectorem Provinciæ, ſecundum Statuta Glorioſiſſimorum Principum, adverſus illum adire, ut qui miti admonitioni acquieſcere noluit, & emendare illicitum, authoritate Judiciaria protinus excludatur. Vid. can. 43. ib. & Cod. Afric. can. 48, & 53.

ceſſity the Ruler of the Province ſhould be intreated, according to the Directions of the Imperial Laws, to uſe his judicial Authority to expel him out of the Church, which he kept Poſſeſſion of by Force, without giving any Signs of acquieſcing or Amendment. Whether there were any Imperial Laws made with a direct View to this particular Caſe, I cannot ſay: But it is certain there were general Laws made by *Gratian* and *Honorius* [*f*], obliging all Biſhops, who were cenſured and depoſed by any Synod, to ſubmit to the Sentence of the Synod, and not to make any Diſturbance by endeavouring to keep or regain the Sees out of which they were ſynodically expelled, under the Penalty of being baniſhed an Hundred Miles from the City where they pretended to raiſe any ſuch Diſturbance. This was the Law of *Honorius*, which refers to a former Law made by *Gratian* upon the ſame Subject, which is alſo mentioned by *Sulpicius Severus* [*g*] in his Hiſtory as enacted againſt the *Priſcillianiſts*, though it be not now extant in the *Theodoſian Code*. And to theſe Laws the *African* Fathers might refer, when they Order all ſuch contumacious Biſhops to be expelled by the Authority of the Civil Magiſtrate, according to the Tenor of the Imperial Laws made in this Behalf, to which they refer alſo in other Canons [*b*] relating to the ſame Purpoſe. And thus much of the ſeveral greater Crimes againſt the

[*f*] Cod. Theod. Lib. 16. Tit. 2. De Epiſc. Leg. 35. Honorii. Quicunque reſidentibus Sacerdotibus fuerit Epiſcopali Loco detruſus & Nomine, ſi aliquid vel contra Cuſtodiam, vel contra Quietem Publicam moliri fuerit deprehenſus, rurſuſque ſacerdotium petere, a quo videtur expulſus, procul ab ea Urbe quam infecit, ſecundum Legem Divæ memoriæ Gratiani, centum milibus vitam agat. &c. [*g*] Sever. Hiſt. Lib. 2. p. 116. [*b*] Cod. Afric. can. 93. al. 95.

the First and Second Commandments, which made Men liable to the Penitential Diſcipline and Cenſures of the Church.

CHAP. VII.

Of Sins againſt the Third Commandment, Blaſphemy, Prophane Swearing, Perjury, and Breach of Vows.

Sect. 1. *The Blaſphemy of Apoſtates.*

THE greater Sins againſt the third Commandment, which chiefly brought Men under Publick Eccleſiaſtical Cenſure, were Blaſphemy, Prophane Swearing, Perjury, and Breach of Vows ſolemnly made to GOD. For all theſe reflected a particular Diſhonour upon his Name. Blaſphemy they diſtinguiſhed into three Sorts; *1ſt.* The Blaſphemy of Apoſtates and Lapſers, whom the Heathen Perſecutors obliged not only to deny, but curſe CHRIST. *2dly.* The Blaſphemy of Hereticks and other prophane Chriſtians. *3dly.* The Blaſphemy againſt the Holy Ghoſt. The firſt Sort we find mentioned in *Pliny*, who giving *Trajan* an Account of ſome Chriſtians who apoſtatized in the Perſecution in his Time, tells him, They all worſhipped his Image, and the Images of the Gods, and alſo curſed CHRIST [*a*]. And that this was the common Way of renouncing their Religion, appears from the Demand which the Proconſul made to *Polycarp*, and *Polycarp*'s Anſwer to it: He bid him revile

[*a*] Plin. Lib. 10. Ep. 97. Omnes & Imaginem tuam, Deorumque ſimulachra venerati ſunt, iique & Chriſto maledixerunt.

revile CHRIST, λοιδόρησον τὸν χριστὸν [b]: To whom *Polycarp* replied, Theſe Eighty-ſix Years I have ſerved him, and he never did me any harm: How then can I blaſpheme my King and my Saviour? In the Epiſtles of *Dionyſius* Biſhop of *Alexandria*, where he gives an Account of the Perſecution that happened there, we find, this was the uſual way whereby the Heathen required the Chriſtians to abjure their Religion. They bid *Metras* the Martyr [c] ſay the Atheiſtical Words, which when he refuſed to do, they ſtoned him to Death. So again they bid *Apollonia* ſay [d] the impious Words, beating out her Teeth, and threatning to burn her alive, if ſhe refuſed to comply with them: And threatning all others with the ſame Puniſhment, that would not ſay the blaſphemous Words. Now though *Valeſius* thinks it difficult to tell what theſe impious, blaſphemous and atheiſtical Words were, yet it ſeems plain enough they meant blaſpheming CHRIST, which was the Thing the Heathen inſiſted on, as their certain Indication of Chriſtians renouncing their Religion. And ſo *Juſtin Martyr* [e] ſays, when *Barchocab* the Ring-leader of the Jewiſh Rebellion under *Adrian*, perſecuted the Chriſtians, he threatned to inflict terrible Puniſhments upon all that would not deny CHRIST and blaſpheme him. This then being only a more ſolemn way of renouncing Religion, by adding Blaſphemy to Apoſtacy, all Lapſers of this Kind were deſervedly reckoned among Apoſtates, and accordingly puniſhed with their

[b] Euſeb. Lib. 4. cap. 15. [c] Ap. Euſeb. Lib. 6. cap. 41. κελεύσαντες ἄθεα λέγειν ῥήματα, &c. [d] Ibid. τὰ τῆς ἀσεβείας ῥήματα ἐκφωνῆσαι. Et paulo poſt, δύσφημα ῥήματα ἀνυμνεῖν. [e] Juſtin. Apol. 2. p. 72.

their Puniſhment, to the higheſt Degree of Eccleſiaſtical Cenſure.

Sect. 2. *The Blaſphemy of Hereticks and profane Chriſtians.*

ANOTHER Sort of Blaſphemers, were ſuch as made Profeſſion of the Chriſtian Religion; but yet either by impious Doctrines, or profane Diſcourſes, uttered blaſphemous Words againſt GOD, derogatory to his Majeſty and Honour. In this Senſe Hereticks are commonly charged with Blaſphemy, and more eſpecially thoſe whoſe Doctrines more immediately detracted from the Excellencies, Properties, and Actions of the Divine Nature. Thus *Chryſoſtom* [*f*] terms thoſe Blaſphemers, who introduced Fate in Derogation to the Providence of GOD: And *Irenæus* thoſe likewiſe who deny'd GOD to be the Creator of the World [*g*]. And the *Arians* and *Neſtorians* are generally charged with Blaſphemy, Impiety and Sacrilege [*h*] for denying the Divinity of our SAVIOR, and the Incarnation of the Divine Nature. So that the ſame Puniſhment as was inflicted upon Hereticks and ſacrilegious Perſons, was conſequently the Lot of this Sort of Blaſphemers. St. *Chryſoſtom* joyns Blaſphemers [*i*] and Fornicators together, as Perſons that were to be expelled from the Lord's-Table. He ſays farther [*k*], Under the Moſaical OEconomy the Law was, *Let him that curſeth Father or Mother, die the Death.* What ſhall we then ſay

[*f*] Chryſ. Hom. 2. de Fato & Provid. T. 1. p. 118.

[*g*] Irenæ. Præfat. in Lib. 4. Nunc autem, quoniam noviſſima ſunt tempora, extenditur malum in homines, non ſolum Apoſtatas eos faciens, ſed & Blaſphemos in Plaſmatorem inſtituit. [*h*] Cod. Theod. Lib. 16. Tit. 5. De Hæreticis. Leg. 6. Theodoſii. Ariani Sacrilegii venenum, &c. It. Leg. 8. Sacrilegum Dogma Arianorum. Hilarii Fragment. p. 144. Arii Blaſphemiæ, &c. It. de Synodis. p. 104. Evagr. Lib. 1. cap. 2. [*i*] Chryſ. Hom. 22. De Ira. T. 1. p. 277.

[*k*] Hom. 2. De Fato. T. 1. p. 811.

ſay of thoſe, who in the Time of Grace and Truth, and ſuch extraordinary Knowledge, not only curſe Father and Mother, but blaſpheme the GOD of the Univerſe? All the Puniſhments of this World and the next are not ſufficient to chaſtize a Soul that is arrived to this prodigious Height of Wickedneſs. For there is no Sin greater than this, none equal to it. It is an Addition to all other Crimes, confounding all Religion, and drawing inexpiable Puniſhment after it.

NEITHER was it only this Doctrinal Blaſphemy of Hereticks, proceeding from corrupt and vicious Principles, that they thus treated both with their Cenſures and Invectives; but alſo all other Blaſphemies of profane Chriſtians, whether occaſioned by ill Opinions fixed in the Mind, or other ſudden Emotions of a vicious Temper. This we learn from *Syneſius*'s Way of proceeding againſt *Andronicus*, the oppreſſing Governor of *Ptolemais*. He admoniſhed him for his other Crimes while there was any Hopes of making a juſt Impreſſion on him: But when he added Blaſphemy to all the reſt, preſuming to ſay, No Man ſhould eſcape his Hands, though he laid hold of the very Foot of CHRIST; *Syneſius* thought he was no longer to be admoniſhed, but to be cut off as a putrified Member; and accordingly he proceeded to pronounce againſt him that famous Excommunication [*l*] which we have had ſo often Occaſion [*] to mention, as the moſt Formal Sentence that occurs in ancient Story. I only add, That the Civil Laws ſet a particular Mark upon this Crime. For by the Laws of *Juſtinian* [*m*] Blaſphemy is reckoned a Capital Offence, to be

[*l*] Syneſ. Ep. 58. p. 198. Vid. C. P. ſub Menna. Act. 1. al. 5. [*] *See it at Length*, Chap. ii. n. 8. [*m*] Juſtin. Novel. 77.

puniſhed with Death. And by the former Laws, ſince Hereſy was reputed Blaſphemy againſt GOD, all the Penalties inflicted on Hereticks (one of which was in ſome Caſes Death alſo) muſt be ſuppoſed to be Puniſhments awarded by Law to this Sort of Blaſphemers.

Sect. 3. *The Blaſphemy againſt the Holy Ghoſt What Notion the Ancients had of it: And what Cenſures they inflicted on it.*

ANOTHER Sort of Blaſphemy, was, the Blaſphemy againſt the Holy Ghoſt, of which I muſt be a little more particular, becauſe the Senſe of the Ancients concerning it is not very commonly underſtood. Some apply it to the great Sin of Lapſing into Idolatry, and Apoſtacy, and Denying CHRIST in Time of Perſecution. Thus *Cyprian* underſtands it, when he [n] ſays, They who commit Idolatry by the Violence of Perſecution, know their Offence to be a very great Crime, ſeeing our Lord and Judge has ſaid, *Whoſoever ſhall confeſs me before Men, him will I confeſs before my Father which is in Heaven. But he that denyeth me, him will I alſo deny.* And again, *All Sins and Blaſphemies ſhall be forgiven to the Sons of Men: but he that blaſphemeth againſt the Holy Ghoſt, ſhall not have Forgiveneſs; but is guilty of Eternal Sin.* St. *Hilary* [o] gives the ſame Account of this Blaſphemy, making

[n] Cypr. Ep. 10. al. 16. p. 36. Summum enim delictum eſſe quod perſecutio committi coegit; cum dixerit Dominus & Judex noſter, Qui me confeſſus fuerit coram hominibus, & illum confitebor coram Patre meo qui in cœlis. Qui autem me negaverit, & ego illum negabo. Et iterum dixerit, Omnia peccata remittentur filiis hominum & Blaſphemiæ: Qui autem blaſphemaverit Spiritum ſanctum, non habebit Remiſſam, ſed reus eſt æterni peccati. [o] Hilar. in Mat. Canon. 31. p. 184. Sciebat exterrendos, fugandos, negaturos: Sed quia Spiritus Blaſphemia nec hic nec in æternum remittitur, metuebat ne ſe Deum abnegarent, quem cæſum & conſputum & crucifixum eſſent contemplaturi. Quæ ratio ſervata in Petro eſt, qui cum negaturus eſſet, ita negavit, Non novi hominem.

king it to conſiſt in Denying CHRIST to be GOD. And therefore he alſo charges the *Arians* and all other ſuch Hereticks with this Blaſphemy [p], becauſe their Doctrine robbed CHRIST of his Divinity, and deny'd him to be of the ſame Subſtance with the Father, however they venerated him as GOD, and aſcribed the Name of GOD to him upon the account of his admirable Works and glorious Operations. *Athanaſius*, and the Author of the Queſtions to *Antiochus* under his Name, are of the ſame Opinion. *Athanaſius* has a particular Diſcourſe upon this Subject, where he both notes the Errors of *Origen* and *Theognoſtus* upon it, and delivers his own Opinion in Oppoſition to them. They ſaid [q], That all they who had received the Gifts of the Holy Ghoſt in Baptiſm, and afterward run into Sin, committed the unpardonable Sin againſt the Holy Ghoſt. Which he refutes both from the Practice of St. *Paul*, who received the inceſtuous *Corinthian*, and other great Sinners to Pardon; and alſo from the Practice of the Church in Oppoſition to the *Novatians*. Why then, ſays he, are we angry at *Novatus* for taking away Repentance, and ſaying, There is no Pardon for thoſe that ſin after Baptiſm? His own Opinion he delivers after [r] this manner: The *Phariſees* in our Saviour's Time, and the *Arians* in our Days, running into the ſame Madneſs, deny'd the real Word to be incarnate, and aſcribed the Works of the Godhead to the Devil and his Angels, and therefore juſtly undergo the Puniſhment,

[p] Ibid. can. 12. p. 164. Chriſto aliqua deferre, negare quæ maxima ſunt: Venerari tanquam Deum, Dei Communione ſpoliare, hæc Blaſphemia Spiritus eſt: Ut cum per admirationem operum tantorum Dei nomen detrahere non audeas, generoſitatem ejus quam confiteri es coactus in nomine, abnegata Paternæ ſubſtantiæ Communione decerpas.

[q] Athan. in illud, Quicunque dixerit verbum. T. 1. p. 971.

[r] Ibid. p. 975.

which is due to this Impiety, without Remiſſion. For they put the Devil in the Place of GOD, and imagined the Works of the Living and True GOD, to be nothing more than the Works of the Devils. Which was the ſame Thing, as if they had ſaid, that the World was made by *Beelzebub*, that the Sun aroſe at his Command, and the Stars in Heaven moved by his Direction. For as the one were the Works of GOD, ſo were the other: And if the one were done by *Beelzebub*, ſo were the other alſo. For this Reaſon CHRIST declared their Sin unpardonable, and their Puniſhment inevitable and eternal. In another Place [*s*] he ſays, They who ſpake againſt CHRIST, conſidering him only as the Son of Man, were pardonable, becauſe in the Beginning of the Goſpel the World looked upon him only as a Prophet, not as GOD, but as the Son of Man: But they who blaſphemed his Divinity after his Works had demonſtrated him to be GOD, had no Forgiveneſs, ſo long as they continued in this Blaſphemy: But if they repented, they might obtain Pardon: For there is no Sin unpardonable with GOD to them who truly and worthily repent. And the ſame is ſaid by the Author of the Queſtions to *Antiochus* [*t*] under his Name. St. *Ambroſe* alſo defines this Sin to be Denying the Divinity of CHRIST [*u*], Whoever does not confeſs GOD in CHRIST, and CHRIST to be of GOD, and in GOD, deſerves no Pardon.

SOME again make it to conſiſt in denying the Divinity of the Holy Ghoſt. Thus *Epiphanius* [*x*] brings the Charge againſt the *Pneumatomachi*, or *Macedonian*

[*s*] Athan. de Communi Eſſentia trium Perſonar. T. 1. p. 237.

[*t*] Quæſt. & Reſponſ. ad Antioch. Q. 71. T. 2. p. 358.

[*u*] Ambroſ. Com. in Luc. Lib. 7. cap. 12. T. 5. p. 168. Quicunque non confitetur in Chriſto Deum, atque ex Deo & in Deo Chriſtum, veniam non meretur.

[*x*] Epiphan. Hær. 74. Pneumatom. n. 14.

Macedonian Hereticks, whoſe Error conſiſted particulary in oppoſing the Godhead of the Holy Ghoſt, and making him a mere Creature. He ſays, All Hereticks blaſpheme and deny the Truth, ſome more, ſome leſs: As theſe *Pneumatomachi* did, blaſpheming the Lord and the Holy Spirit, and having Pardon of Sins neither in this World, nor the World to come. He ſhews how they were not pardoned in this World, becauſe their Doctrine was condemned by the Church in the Council of *Nice*, and their Perſons anathematized or caſt out of the Communion of the Church. But then as they might be admitted to Communion again upon their Repentance, ſo we muſt ſuppoſe, he means, their Sin was capable of Pardon in the next World upon the ſame Condition, and only unpardonable upon the Suppoſition of Obſtinacy and Continuance in it without Repentance. St. *Ambroſe* [*y*] alſo in his Treatiſe of the Holy Ghoſt, writing againſt the ſame Hereticks, charges them as guilty of this Blaſphemy againſt the Holy Ghoſt, for denying the Divinity of his Perſon. And the ſame Charge is brought againſt them by *Philaſtrius* [*z*], when he ſays, The Lord declared that all Sins ſhould be forgiven unto Men beſide the Blaſphemy againſt the heavenly Eſſence of the Holy Spirit. *Concedi omnia peccata hominibus præter Blaſphemiam de Divini & adorandi Spiritus Eſſentia.*

PHILASTRIUS [*a*] brings the Charge in general againſt all Hereticks, as Blaſphemers of the Holy Ghoſt. And St. *Ambroſe* does the ſame [*b*], but

[*y*] Ambroſ. de Spir. Sancto. Lib. 1. cap. 3. [*z*] Philaſtr. de Hæreſ. cap. 20. Bibl. Patr. T. 4. p. 17. [*a*] Philaſt. Hær. Rhetorij. [*b*] Ambroſ. de Pœnitent. Lib. 2. cap. 4. Eos quoque aſſerit diabolico uti Spiritu, qui ſepararent Eccleſiam Dei: Ut omnium temporum Hæreticos & Schiſmaticos

but then he does not aſſert the Sin to be abſolutely unpardonable, but exhorts them to return to the Church, with hopes of obtaining Mercy and Forgiveneſs.

OTHERS Place this Sin in a perverſe and malicious aſcribing the Works of the Holy Spirit to the Power of the Devil. And ſome of theſe ſuppoſe the Malignity of it to conſiſt in doing this againſt Knowledge and manifeſt Convictions of Conſcience, which renders them ſelf-condemned, and their Sin ſimply and abſolutely unpardonable. The Author of the *Queſtions* upon the *Old* and *New Teſtament* under the Name of St. *Auſtin* [c], who is ſuppoſed to be one *Hilary* a *Roman* Deacon, expreſsly delivers his Opinion after this manner: The *Jews*, ſays he, did not ſin againſt the Holy Ghoſt out of Ignorance, but Maliciouſneſs. For they knew the Works which our Saviour did, to be the true Works of GOD: But to divert the People from believing on him, they pretended againſt their own Knowledge and Conſcience to ſay, *That they were the Works of the Prince of Devils.* Upon which Account our LORD ſaid to them, *Ye have the Key of Knowledge, and ye neither enter yourſelves, nor ſuffer others to enter.* That Sentence then was pronounced againſt the Malignant, for whom there is

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ticos comprehenderet, quibus Indulgentiam negat. Ibidem paulo poſt. Revertimini ad Eccleſiam, ſi qui vos ſeparaſtis impie: Omnibus enim converſis pollicetur veniam, &c.

[c] Aug. Quæſt. in Vet. & Nov. Teſt. Q. 102. Tom. 4. p. 452. Non enim errore peccaverunt in Spiritum Sanctum, ſed Malevolentia. Scientes enim prudenteſque opera quæ viderunt in geſtis ſalvatoris Dei eſſe, ut populum à Fide ejus averterent, hæc ſimulabant eſſe Principis Dæmoniorum. ——Hæc ergo ſententia contra Malevolos prolata eſt, quibus remedium inveniri non poteſt ut ſalventur. Nihil enim hoc crimine gravius eſt; fingit enim falſum eſſe, quod ſcit eſſe verum, &c.

is no Remedy to be found to bring them to Salvation. For this is the greateſt of all Sins, pretending that to be falſe, which Men know to be true, and denying the wonderful Works of GOD againſt their own Knowledge and Conſcience.

BUT in two Things this Author is ſingular. 1. In ſaying the *Jews* acted againſt Knowledge and Conſcience. For St. *Auſtin* [d] expreſsly ſays, *They did it in Ignorance, by that Blindneſs which happened to* Iſrael *in Part, till the Fulneſs of the* Gentiles *be come in.* And it ſeems evident from thoſe Words of St. *Peter* in his Sermon to them, *Acts* iii. 17. *I wot, Brethren, that in Ignorance ye did it, as did alſo your Rulers.* 2. In that he makes their Sin ſimply and abſolutely unpardonable, which the Ancients generally do not, ſave only when it is accompanied with inſuperable Obſtinacy and final Impenitency, which in the Nature of the Thing can have no Pardon. For all others among the Ancients ſuppoſe it poſſible for Men to repent of this Sin, and thereby make themſelves capable of Pardon, though with great Difficulty; and that the Unpardonableneſs of it ariſes from Mens own Obſtinacy and Impenitency only, which makes them liable to Puniſhment both in this World and the World to come. Thus St. *Chryſoſtom* delivers his Opinion in his *Comment* [e] upon the Words of our Saviour. Is there no Remiſſion for thoſe who repent of their Blaſphemy againſt the Spirit? How can this be ſaid with Reaſon? For we know it was forgiven to ſome that repented of it. Many of thoſe *Jews* which blaſphemed the Holy Ghoſt, did afterwards believe, and all was forgiven them.

[d] Aug. Expoſ. in Rom. p. 365. Tom. 4. [e] Chryſ. Hom. 42. in Mat. 12. p. 391.

What is therefore the meaning of it? That it is a Sin leſs capable of Pardon than all others. And unleſs they repented of it (ſo *Anianus* tranſlates it) they ſhould be puniſhed in both Worlds, and have Pardon in neither. Which he obſerves to be the Difference between this kind of Sinners and many others. For ſome Sinners are puniſhed both in this World and the next; Others only in this World; Others only in the next; and others neither in this World, nor the next. He gives Examples of all theſe. Some are puniſhed both here and hereafter: As theſe blaſpheming *Jews*: For they ſuffered Vengeance here in the great Calamities which befell them in the Deſtruction of *Jeruſalem*: And hereafter they muſt undergo intolerable Torments, as the Men of *Sodom*, and many others. Some ſuffer only in the next World, as the rich Man, who is tormented in Flames, and not Maſter of ſo much as a Drop of Water to cool his Tongue. Some ſuffer only in this World, as he that committed Fornication among the *Corinthians*: And others neither in this World, nor the next, as the Apoſtles, and Prophets, and holy *Job*, and ſuch like. For their Paſſions were not Puniſhments for their Sins, but only Exerciſes and Combats to crown them with Victory. Now he ſuppoſes that Blaſphemy againſt the Holy Ghoſt is a Sin of the firſt Kind, that is, one of thoſe, for which Men, if they do not timely repent of it, ſhall ſuffer both here and hereafter, as the Men of *Sodom*; in which reſpect it is ſaid never to have Forgiveneſs, neither in this World, nor the next, becauſe it is puniſhed in both. *Vid. Chryſ. Hom.* 3. *in Lazarum. T.* 5. *p.* 69. where he uſes the ſame Diſtinction of Sins puniſhed only in this World, or only in the next, or elſe as the Sins of *Sodom*, puniſhed in both.

VICTOR

VICTOR of *Antioch*, who was Cotemporary with St. *Chryſoſtom*, gives the ſame Account of the Unpardonableneſs of this Sin. He ſays [*f*], when our Saviour diſcourſes of the Sin of Blaſphemy, he neither determines Blaſphemy againſt the Son to be abſolutely remiſſible, nor the Blaſphemy againſt the Holy Ghoſt to be ſimply irremiſſible; as if there was no Place of Repentance left for ſuch Blaſphemers, when they were diſpoſed to return to a ſober Mind: But only by drawing a Compariſon betwixt the one and the other, he ſhews that the Blaſphemy againſt the Son ought to be eſteemed the Leſſer of the two, becauſe it ſeems to be levelled againſt him only as Man.

NOW from what has hitherto been diſcourſed, it is eaſy to conceive after what manner the Diſcipline of the Church was exerciſed upon ſuch Sort of Blaſphemers. For firſt, if all Apoſtates, and Idolaters, and ſuch as denied CHRIST, or blaſphemed him, or denied his Divinity, or the Divinity of the Holy Ghoſt, and ſuch as fell into Hereſy or Schiſm, were reputed in ſome meaſure to blaſpheme the Holy Ghoſt: Then the ſame Puniſhments that were inflicted on all ſuch Offenders, muſt conſequently be reckoned the Puniſhments of thoſe that blaſphemed the Holy Ghoſt. And ſince we have ſeen thoſe Puniſhments under thoſe reſpective

[*f*] Victor. Com. in Marc. 3. Bibl. Patr. Tom. 1. p. 411. Cum de Blaſphemiæ peccato Salvator noſter diſſerit, neque convitium in Filium abſolute Remiſſibile, neque Blaſphemiam rurſus in Spiritum Sanctum irremiſſibile ſimpliciter definire vult: Quaſi nullus prorſus ejuſmodi Blaſphemis, dummodo ad ſanam mentem redire in animum induxerint, Pœnitentiæ locus relictus ſit; verum comparatione quadam inter hanc & illam facta, indicat eam quæ cadit in Filium, tanquam quæ in hominem proxime ferri videatur, multo minorem cenſeri.

ſpective Heads before, we need enquire no farther after them in this Place; but only obſerve. 2*dly*, That the Ancients, as many at leaſt as went upon this Suppoſition, That the Blaſphemy againſt the Holy Ghoſt was committed in theſe ſeveral Crimes, could not imagine it to be a Sin ſimply and abſolutely uncapable of Pardon: Becauſe they did not ſhut the Door of Repentance to any ſuch Offenders, or reckon them altogether Reprobate and Deſperate, but invited them to repent, and prayed for their Converſion, and received them again to Peace and Communion upon their humble Confeſſion and Evidences of a true Repentance. Which argues, That they did not believe the Sin againſt the Holy Ghoſt to be altogether unpardonable, but only to the impenitent; ſince they granted Pardon to the Penitent in this World, and gave them hopes of obtaining Pardon from GOD in the World to come.

'TIS true indeed, St. *Auſtin*, and ſeveral others in the *Latin* Church, ſeem to ſay, that this Sin is altogether unpardonable both in this World and the next. But if we rightly take their meaning, they differ not at all from the former. For they ſuppoſe, that no Man perfectly commits the Sin againſt the Holy Ghoſt, but he that finally dies Obdurate, and in Reſiſtance to all the gracious Motions and Operations of the Holy Spirit to the End of his Days: In which Caſe, 'tis but natural to conclude from the Nature of the Thing, that ſuch Men can have no Pardon for their Sin, neither in this World nor the World to come: Not becauſe any Thing they do in their Life time, makes it an unpardonable Sin in itſelf; but becauſe they wilfully continue impenitent to the laſt, and ſo make it impoſſible and impracticable upon the Principles of the Goſpel, to obtain Pardon either of GOD or his

his Church, in this World or the World to come: Since the Covenant of Grace and Pardon only reſpects thoſe who embrace it in this Life, and not ſuch as put off Repentance to another World, where they will repent without Remedy, or, in the Apoſtle's Words, *find no Room for Repentance*, or Change of God's Purpoſes, *though they ſeek it carefully with Tears.*

IN this Senſe *Fulgentius* underſtands our SAVIOUR's Words, as menacing Puniſhment to thoſe that obſtinately continue in their Wickedneſs, and let Judgment overtake them in their Sins. He ſays, Repentance is of Advantage to every Man in this Life, whatever time he truly turns to GOD, *Quamlibet iniquus, quamlibet annoſus*, although he be the greateſt of Sinners, although he be grown old in Sin: But if he continue Obdurate to the laſt, there is no Mercy for him. For as Mercy will receive and abſolve thoſe that are converted [*g*], ſo Juſtice will repel and puniſh the Obdurate. For they are thoſe who ſin againſt the Holy Ghoſt, and ſhall not have Remiſſion of Sins either in this World or the World to come. The Author of the Book, *Of True and Falſe Repentance* [*h*], under the Name of St. *Auſtin*, ſays the ſame, That they only ſin againſt the Holy Ghoſt, who continue impenitent unto Death. For the Holy Spirit is Love, who gives his Grace to us as an Earneſt. He therefore that ſins, and deſires not to recover his Grace, nor ever after is concerned

[*g*] Fulgent. de Fide ad Petrum. cap. 3. Sicut enim Miſericordia ſuſcipit, abſolvitque converſos, ita Juſtitia repellet, punietque Obduratos. Ii ſunt qui peccantes in Spiritum ſanctum, neque in hoc ſæculo neque in futuro Remiſſionem accipient peccatorum. [*h*] Aug. De Vera & Falſa Pœnitent. cap 4. Tom. 4. Soli peccant in Spiritum Sanctum, qui impœnitentes exiſtunt uſque ad mortem, &c.

cerned to be loved by him, nor ſeeks to him from whom he received his Earneſt, ſins againſt the Holy Spirit, and ſhall never obtain Pardon, either Living, or after Death: But no one ſins againſt the Holy Spirit, that flies unto him for Mercy. And therefore he ſays, Our SAVIOUR's Words to the *Jews*, were rather an Admonition to them, not to continue in Sin, becauſe if they went on as they had begun, their Blaſphemy would lead them unto Death. *Bacchiarius* [*i*], an *African* Writer about the Time of St. *Auſtin*, explains himſelf after the ſame manner. He ſays, This Sin conſiſts in ſuch a Deſpair of GOD's Mercy, as makes Men give over all Hopes of attaining by the Power of GOD to that State and Condition from which they are fall'n. And ſo conſequently go on in Sin without Repentance to their Lives End.

ST. *Auſtin* ſpeaks often of this Crime, and he places it in a continual Reſiſtance of the Motions and Graces of the Holy Spirit, by an invincible Hardneſs of Heart, and final Impenitency to the End of a Man's Days. Some, ſays he [*k*], placed it in the Commiſſion of Mortal Sins after Baptiſm, and after having received the Holy Ghoſt, as doing Deſpite to ſo great a Gift of CHRIST, by falling into ſuch Sins as Adultery, Murder, Apoſtacy, or Separation from the Catholick Church. But this, he thinks, cannot be the Meaning of it; becauſe the Church allows Room for Repentance for all Sins, and corrects Hereticks only with this Intent, That they may repent. He ſays farther [*l*], That it

[*i*] Bacchiar. Epiſt. De Recipiendis Lapſis. Bibl. Patr. T. 3. p 133. Dico hoc ipſum, Deſperare de Domino, in Spiritum eſſe peccare, quia Dominus eſt Spiritus, & ideo non remittitur ei, quia non crediderit Dominum reddere ſibi poſſe quod perdidit. [*k*] Aug. Ser. 11. de Verbis Domini. cap. 4. [*l*] Ibid. cap. 3.

it conſiſts not in Denying the Divinity or Perſon of the Holy Ghoſt, or believing him to be a Creature, unleſs Men perſiſt in theſe Errors to the End of their Days. For many Catholick Chriſtians were once *Jews*, or Pagans, or Hereticks, ſuch as the *Arians*, *Eunomians*, *Macedonians*, *Sabellians*, *Patripaſſians* and *Photinians*, who all deny either the Divinity or the Perſonality of the Holy Ghoſt. And if all theſe, who ſpeak againſt the Holy Ghoſt, have no Forgiveneſs, in vain do we promiſe or preach to Men, That they ſhould turn to GOD, and obtain Peace and Remiſſion of Sins by Baptiſm, or in the Church. For it is not ſaid, with any Exception, This Sin ſhall not be forgiven, ſave only in Baptiſm; but, *It ſhall not be forgiven, neither in this World, nor in the World to come.* Hence he infers, That it is not all Kind of Blaſphemy againſt the Holy Ghoſt, but a particular Sort of Blaſphemy that is thus threatned. And that is final Impenitency, or Reſiſting to the uttermoſt the gracious Offers of Remiſſion of Sins made by the Holy Ghoſt. This Impenitency [*m*], is the Blaſphemy that has neither Remiſſion in this World, nor in the World to come. But of this Impenitency no one can judge, ſo long as a Man lives in this Life. We are to deſpair of no Man, ſo long as the Patience of GOD leads him to Repentance, and does not ſnatch away the Sinner out of Life, who *would not the Death of a Sinner; but rather that he ſhould return and live.* A Man is a Pagan to Day: But how knoweſt thou, but that he may become a Chriſtian to Morrow? To Day he is an Unbelieving *Jew*: But what if to Morrow he ſhould believe in CHRIST? To Day he is an Heretick: But what if to Morrow he ſhould embrace the Catholick Truth? To Day he is a Schiſmatick: But what if to

[*m*] Ibid. cap. 13.

to Morrow he ſhould return to the Peace of the Church? What if they, whom you mark as immerſed in any Kind of Error, and damn as Deſperate, ſhould repent, before they end this Life, and find true Life in the World to come? *Judge nothing*, Brethren, *before the Time.* For this Blaſphemy of the Spirit, which has no Remiſſion, and which we have ſhewed to be a perſevering Hardneſs of an impenitent Heart, cannot be deſcry'd in any Man whilſt he continues in this Life. At laſt he concludes [*n*]. There is but one Way to avoid the Condemnation of this unpardonable Blaſphemy, which is, to beware of an impenitent Heart, and to believe that Repentance profits not but only in the Catholick Church, where Remiſſion is granted, and the Unity of the Spirit is preſerved in the Bond of Peace. St. *Auſtin* often repeats [*o*] this Notion, and he gives the ſame Account of what the Apoſtle calls the *Sin unto Death*, for which he forbids Men to pray. He ſays, It means that Hardneſs and Impenitency of Heart, whereby Men obſtinately reject Faith, and Charity, and Remiſſion of Sins to their laſt Hour. And whereas he had ſeemed to ſay in one Place [*p*], That this Blaſphemy conſiſted in a malicious and envious Oppoſition to brotherly Charity, after a Man had received the Grace of

[*n*] Ibid. cap. 24. [*o*] De Corrept. & Gratia. cap. 12. Ego dico id eſſe Peccatum ad mortem, Fidem quæ per dilectionem operatur, deſerere uſque ad mortem. It. Ep. 50. p. 88. Hoc eſt autem Duritia cordis uſque ap finem hujus vitæ, qua homo recuſat in Unitate Corporis Chriſti, quod vivificat Spiritus ſanctus, remiſſionem accipere peccatorum. Enchirid. cap. 83. Qui in Eccleſia remitti peccata non credens, contemnit tantam divini muneris largitatem, & in hac obſtinatione mentis diem claudit extremum, reus eſt irremiſſibili peccato in Spiritum ſanctum, in quo Chriſtus peccata dimittit.

[*o*] Aug. de Serm. Dom. in Monte. Lib. 1. cap. 22.

of the Holy Ghoſt: He explains this in his *Retractations* [q] ſaying, There ought to be added this Condition, if he ends this wicked Perverſeneſs of Mind: Becauſe we are not to deſpair of the very worſt Man, while he continues in this Life; neither is there any Imprudence in praying for him, of whom we do not Deſpair. He confirms this Notion again at large in his *Commentary* upon the Epiſtle to the *Romans*. Where he firſt gives this Deſcription [r] of it: That Man ſins againſt the Holy Ghoſt, who deſpairing, or deriding, or contemning the Preaching of Grace, by which Sins are waſhed away, and the Preaching of Peace, by which we are reconciled to GOD, refuſes to repent of his Sins, and reſolves to continue hardning himſelf in the impious and deadly Sweetneſs of them, and therein perſiſts to his laſt End. He then ſhews by great Variety of Inſtances, that any other Blaſphemy againſt the Spirit is capable of Pardon, except this which includes Obduration to the laſt. The *Pagans* daily blaſpheme the whole Trinity, and the whole Syſtem of the Chriſtian Religion: And yet the Church makes no Scruple to receive them to Pardon of Sins by Baptiſm upon their Converſion. The *Jews* are charged

[q] Retract. Lib. 1. cap. 19. Sed tamen addendum fuit, ſi in hac tam ſcelerata mentis perverſitate finierit hanc vitam: Quoniam de quocunque peſſimo in hac vita conſtituto non eſt utique deſperandum, nec pro illo imprudenter oratur, de quo non deſperatur. [r] Aug. Expoſ. in Rom. 1. T. 4. p. 363. Ille peccat in Spiritum Sanctum, qui deſperans vel irridens atque contemnens prædicationem Gratiæ, per quam peccata diluuntur, & Pacis, per quam reconciliamur Deo, detrectat agere pœnitentiam de peccatis ſuis, & in eorum impia atque mortifera quadam ſuavitate perdurandum ſibi eſſe decernit, & in finem uſque perdurat.

ed by *Stephen* for reſiſting the Holy Ghoſt, and yet *Paul*, who was then one of the Number of thoſe whom he ſo charged, was afterwards filled with the ſame Spirit, which he had reſiſted. The *Samaritans* oppoſed the Holy Ghoſt, and yet both CHRIST and his Apoſtles atteſt to the Converſion of many of them. *Simon Magus* had conceived very ill Opinions of the Holy Spirit, ſo as to think his Gifts might be purchaſed with Money; yet St. *Peter* did not deſpair of him, ſo as to leave him no Room for Pardon, but kindly admoniſhed him to repent. Neither does the Catholick Church ſhut the Gate of Pardon to any Hereticks or Schiſmaticks, or leave them without Hopes of appeaſing GOD, upon their Correction and Amendment: Though ſome of them deny the very Being and Perſon of the Holy Ghoſt; others make him a mere Creature, and deny his Godhead; others make the Subſtance of the whole Trinity mutable and corruptible; others deny the Miſſion of the Holy Ghoſt upon the Apoſtles, and make his firſt Deſcent to be upon *Montanus*; and others deſpiſe his Sacraments, and rebaptize thoſe who were baptized before *in the Name of the Father, Son, and Holy Ghoſt.* Nay he thinks ſome of thoſe very *Jews*, to whom our Saviour gave a Caution againſt this Crime, afterward repented of their Blaſphemy, though proceeding from Envy and Malice: And that St. *Paul* may be reckoned one of that Number; being a Blaſphemer, and a Perſecutor, and Injurious, as they were, in Ignorance and Unbelief; and putting himſelf in the Number of thoſe who were ſometimes fooliſh, diſobedient, deceived, ſerving divers Luſts and Pleaſures, living in Envy and Malice, hateful and hateing one another. If therefore neither Pagans, nor Hebrews, nor Hereticks, nor Schiſmaticks, yet unbaptized, are precluded

cluded from the Sacrament of Baptiſm, whatever Oppoſition they have made to the Holy Ghoſt before, if they ſincerely repent, and condemn their former Life; if alſo they who have attained to the Knowledge of the Truth, and are baptized, may, after they have faln into Sin and reſiſted the Holy Ghoſt, be reſtored to the Peace of GOD by Repentance; finally if they, to whom our Saviour objected Blaſphemy againſt the Holy Ghoſt, might repent and be healed by flying to the Mercy of GOD: What remains, but that by the Sin againſt the Holy Ghoſt, which our LORD ſays, *Is never forgiven neither in this World nor the World to come*, we ſhould underſtand nothing elſe [s] but Perſeverance in Malignity and Wickedneſs, with Deſpair of the Indulgence and Mercy of GOD? For this is to reſiſt the Grace and Peace of the Spirit, of which we are ſpeaking. He ſays alſo, that our Saviour in the ſame Place where he reproves the *Jews* for their Blaſphemy, intimates, that the Door of Repentance and Amendment was not yet ſhut againſt them, when he ſays, *Either make the Tree good, and its Fruit good; or elſe make the Tree evil, and its Fruit evil.* Which could not with any Reaſon have been ſaid to them, if now for that Blaſphemy they could not have changed their Mind for the better, and have brought forth the Fruit of good Works, or ſhould in vain have brought them forth without Remiſſion of their Sin. He therefore concludes, That they had not yet committed fully the unpardonable Sin, but only begun it, in ſaying, *That*

[s] Ibid. p. 366. Quid aliud reſtat, niſi ut peccatum in Spiritum Sanctum, quod neque in hoc ſeculo neque in futuro dimitti Dominus dicit, nullum intelligatur niſi Perſeverantia in nequitia & malignitate cum deſperatione Indulgentiæ Dei? &c.

he caſt out Devils by Beelzebub; and that CHRIST admoniſhes them not to compleat it, by reſiſting his Grace and Peace, either by deſpairing of Pardon, or preſuming on their own Righteouſneſs, or continuing Impenitent, and perſevering in their Sins: For this was to ſpeak the blaſphemous Word againſt the Holy Ghoſt, by which CHRIST wrought thoſe Miracles to bring them to his Grace and Peace. He obſerves here, That to ſpeak Blaſphemy againſt the Holy Ghoſt, is not put to denote barely the uttering it with the Tongue, but the conceiving it in the Heart, and expreſſing it in Actions. For as they are not properly ſaid to confeſs GOD, who do it only with the ſound of their Lips, and not with their good Works: So he who ſpeaks the unpardonable Word againſt the Holy Ghoſt, is not preſumed to ſay it perfectly, unleſs he do, as well as ſay it: That is, Deſpair of the Grace and Peace which the Spirit gives, and reſolve to perſevere in his Sins. That as the other deny GOD in their Works, ſo theſe ſay by their Works, that they reſolve to perſevere in an evil Life and corrupt Morals, and ſo ſay, and ſo do, that is, continue in them to the End of their Days. Which if they do, what needs any one wonder that their Blaſphemy ſhould be unpardonable? Or who is it now that cannot underſtand both that the Lord JESUS by that Commination called the *Jews* to Repentance, that he might grant them Grace and Peace by their believing on him: And alſo how it becomes impoſſible, that they ſhould have Pardon either in this World or the World to come, who reſiſt this Grace and Peace, and after this manner ſpeak the Word of Blaſphemy againſt the Holy Ghoſt, that is, by a deſperate and impious Obſtinacy of Mind perſevere in their Sins

Sins, and proudly reſiſt GOD without any Humility of Confeſſion or Repentance?

THIS was St. *Auſtin's* conſtant and invariable Senſe of this Matter, out of which the *Schoolmen*, I know not how, have raiſed ſix ſeveral Species of Blaſphemy againſt the Holy Ghoſt, *viz.* Deſpair, Preſumption, final Impenitency, Obſtinacy in Sin, oppoſing and impugning the Truth which a Man knows, and envious Malice againſt the Grace of the Brethren: Whereas nothing can be plainer, than that St. *Auſtin* reſolves the whole Matter into Obſtinacy in oppoſing the Methods of Divine Grace, and continuing in this Obduration finally without Repentance. Other Sins may lead the Way to this Blaſphemy, in Word or Action, as Infidelity or Reviling the Spirit in *Jews* or Heathens; or Hereſy, or Schiſm, or an immoral Life in Chriſtians after Baptiſm: But all this is only inchoative Blaſphemy, which does not render it abſolutely unpardonable: For many of all theſe Sorts have repented and obtained Pardon: But when Men continue obſtinate in any of theſe Sins, and finally die Impenitent in them, then their Sins become puniſhable in both Worlds, and pardonable in neither; not for Want of Mercy in GOD or his Church, but for Want of Repentance and Capacity in the Subject.

AND by this Account it is eaſy now to determine what ſort of Puniſhments and Eccleſiaſtical Cenſures were inflicted on this Crime, as well in the firſt Riſe and Beginning, as in the Progreſs and Conſummation of it. The ſame Puniſhment that was laid upon Idolatry, or Apoſtacy, or denying the Divinity of CHRIST, or the Holy Spirit, or lapſing into any great Immorality, or other Blaſphemy after Baptiſm, was laid upon this Sin of blaſpheming the Holy Ghoſt: Becauſe

it uſually began in ſome of theſe notorious Miſdemeanours; of which if Men truly repented, the Door of Mercy was ſtill open to them, and the Church was ready to receive them again to Communion: But if they continued obdurate all their Lives, and died in their Impenitency; as this was eſteemed the Conſummation of the great Sin againſt the Holy Ghoſt, and properly the Sin unto Death; ſo it could have no Forgiveneſs in this World, nor the World to come. They died excommunicate, and ſo had neither the Solemnity of a Chriſtian Burial, nor the Suffrages of the Church after Death; being ſtruck out of her *Diptychs*, and no Memorial ever after made of them, as of Perſons deſperate, and entirely out of GOD's Favour. I have been the longer in explaining the Senſe of the Ancients upon this Point, not only becauſe it is not very commonly known, but alſo becauſe it may be of Uſe both to caution ungodly Men againſt the Danger of final Impenitency, which is the Conſummation of the Blaſphemy againſt the Holy Ghoſt; and likewiſe ſerve to comfort the Pious, who need be in no Concern about the Commiſſion of this Sin, ſo long as they truly repent of all Sin, and deſire to pleaſe GOD in the conſtant Tenor of an holy Life. For this Sin cannot conſiſt with a true Repentance: And though Men have begun in any Degree to commit it, yet according to the general Senſe of the Ancients, they are ſtill capable of Pardon, if they do not render it unpardonable by their own Obſtinacy and wilful Impenitency to the Hour of Death, after which it can have no Forgiveneſs in this World or the World to come.

THE

Sect. 4. *Of Prophane Swearing. All Oaths not forbidden.*

THE next Tranſgreſſion of the Third Commandment, which they puniſhed with Eccleſiaſtical Cenſure, was prophane Swearing, or reproaching and diſhonouring the Name of GOD by Oaths and Execrations. By which they did not mean all Oaths in general, nor yet any ſingle Act of raſh and haſty Swearing (unleſs attended with ſome other aggravating Crime or Circumſtance of Apoſtacy, Idolatry, Perjury, or the like) but only the Habit and Cuſtom of prophane Swearing. *Chryſoſtom* indeed, and ſome others in their ſharp Invectives againſt common Swearing [*t*] ſeem ſometimes to carry the Matter ſo far, as to deny the Lawfulneſs of all Oaths to Chriſtians in any Caſe whatſoever. But whatever private Opinions ſome few might have of this Matter (in which they were not conſtant or conſiſtent with themſelves, as Learned Men [*t*] have obſerved:) It is certain there never was any Publick Rule of the Church to forbid this, and much leſs to make it the Subject of Eccleſiaſtical Cenſure. The Generality of Chriſtians always eſteemed the Taking of an Oath in neceſſary Caſes for Confirmation of Truth, to be a very lawful Thing, as appears both from the Laws themſelves, Eccleſiaſtical as well as Civil, and from general Practice. One of *Conſtantine*'s Laws is confirmed with a ſolemn Oath in the very Body of it, where he Promiſes to encourage any one that ſhall give juſt Information againſt the corrupt Practices of his Miniſters [*x*], with this

[*t*] Vid. Sixtum Senenſem Bibliothec. Lib. 6. Annot. 26. *where all ſuch Paſſages are collected.* [*u*] Cave. Prim. Chriſt. Part III. cap. 1. p. 213. [*x*] Cod. Theod. Lib. 9. Tit. 1. de Accuſation. Leg. 4. Ita mihi ſumma Divinitas ſemper propitia ſit, & me incolumem præſtet, ut cupio, feliciſſima & florente Republica.

formal Aſſeveration, As the Moſt High GOD ſhall be merciful to me, and preſerve me in Safety, according to my Deſire, in the flouriſhing State of the Commonwealth. Nothing was more uſual than the taking of Oaths for Confirmation of Contracts, as is evident from that famous Law of *Arcadius* [*y*] which inflicts many ſevere Penalties upon all that violate their Contracts made in the Name, and confirmed by the Authority of Almighty GOD: And alſo on ſuch as broke their Contracts, which they confirmed by an Oath taken in that peculiar Form of Swearing by the Emperors Safety. Which was an uſual Form of an Oath among Chriſtians, as ancient as *Tertullian*, who mentions it in Anſwer to an Objection made by the Heathen againſt them, as if they were Enemies to the Government, and guilty of Treaſon, becauſe they refus'd to ſwear by the Emperors Genius: To this he replies [*z*], That though they did not ſwear by the Emperors Genius, yet they made no Scruple to ſwear by the Emperor's Safety, a Thing more Auguſt than all the *Genij* in the World. For the *Genij* were nothing but Devils. In the Emperors they acknowledged GOD's Inſtitution and Authority, who ſet them over the Nations: And therefore they deſired their Safety and Preſervation, as GOD's Appointment, and made a great and ſolemn Oath of that: But for the *Dæmons*,

[*y*] Cod. Theod. Lib. 2. Tit. 9. de Pactis. Leg. 8. Si quis adverſus Pacta putaverit eſſe veniendum, non implendo Promiſſa ea, quæ invocato nomine Dei Omnipotentis, eo Auctore ſolidaverit, inuratur Infamia, &c. Eos etiam hujus litis vel jactura dignos jubemus eſſe vel munere, qui Nomina noſtra placitis inſerentes, Salutem Principum confirmationem initarum eſſe juraverint pactionum. [*z*] Tertul. Apol. cap. 32. Sed & juramus, ſicut non per Genios Cæſarum, ita per Salutem eorum, quæ eſt auguſtior omnibus Geniis, &c.

mons, or *Genij*, they were uſed to abjure them, in order to caſt them out of the Bodies of Men, not to ſwear by them, and thereby confer Divine Honour upon them. *Athanaſius* mentions the ſame Form as uſed in his Time both by the *Catholicks*, and by *Syrianus* the Prefect of *Egypt*, telling *Conſtantius* [*a*] that he ſwore by his Safety. And the like Inſtances are given by *Sozomen* [*b*], and *Zoſimus* [*c*] the Heathen Hiſtorian. In the Collation of *Carthage*, *Marcellinus* the Emperor's Commiſſioner, who was appointed to hear the Debate between the *Catholicks* and the *Donatiſts* in the Time of *Honorius*, at the Entrance of the Diſpute promiſed both Sides upon Oath by the admirable Myſtery of the Trinity, and the Sacrament or Myſtery of the Divine Incarnation, [*d*] and the Safety of the Emperors, that he would judge truly according to the Allegations of the Parties. And the ſame Form was obſerved in the Military Oath taken by the Soldiers, when they entred upon the Muſter-Roll, as we learn from *Vegetius*, who lived in the Time of the Younger *Valentinian*: He ſays [*e*], They ſwore by GOD, by CHRIST, and the Holy SPIRIT, and the Majeſty of the Emperor, which next to GOD is to be loved and honoured by Mankind. In many other Caſes the Law required Men to ſwear upon weighty Concerns.

[*a*] Athan. Epiſt. ad Monachos. T. 1. p. 866. Vide Athan. Apol. ad Conſtant. T. 1. p. 689. [*b*] Sozom. Lib. 9. cap. 7. [*c*] Zoſim. Hiſt. Lib. 5.

[*d*] Collat. Carth. Die. 1. cap. 5. Per admirabile Myſterium Trinitatis, per Incarnationis Dominicæ Sacramentum, & per ſalutem Principum, quod veri invenerit fides, judicaturum me eſſe promitto. [*e*] Veget. de Re Militari Lib. 1. cap. 5.

Conſtantine [*f*] required every Witneſs to take an Oath before he gave his Teſtimony in any Cauſe. And *Juſtinian* [*g*] not only confirm'd this in his *Code*, but added ſeveral other Caſes in which not only Witneſſes, but alſo both the Plaintiff and Defendant, and the Advocates were to take their ſeveral Oaths upon the Goſpels. And this was called *Juramentum de Calumnia*, The Oath of Calumny [*], where the Plaintiff was particularly obliged, before he could proſecute his Action, to ſwear, that he did not bring his Action againſt his Adverſary with any Deſign to calumniate him, but becauſe he thought he had a juſt and righteous Cauſe: And the Defendant was to take a like Oath before he could give in his Anſwer. They were likewiſe obliged by another [*h*] Law to ſwear, That they had given no Bribe to the Judges or any other Perſon, nor promiſed to give any, nor would hereafter give any. And it has been obſerved before [†], That to prevent *Simony* in Elections to Eccleſiaſtical Preferments, the Electors were obliged by the ſame Laws of *Juſtinian* [*i*] to depoſe upon Oath, That they did not chuſe the Party elected either for Gift, Promiſe, or Friendſhip, or any other Reaſon, but becauſe they knew him to be in every reſpect well qualified for ſuch a Station. And the Party ordained was likewiſe to take an Oath [*k*] upon the holy Goſpels, at the Time of his Ordination, That he had neither

[*f*] Cod. Theod. Lib. 11. Tit. 39. Leg. 3. Jurisjurandi religione Teſtes, priuſquam perhibeant Teſtimonium, jamdudum artari præcipimus. [*g*] Juſtin. Cod. Lib. 4. Tit. 20. de Teſtibus. Leg. 9. [*] Cod. Juſtin. Tit. 59. de Jurejurando propter Calumniam. Leg. 1 & 2. [*h*] Juſtin. Novel. 124. cap. 1. [†] Chap. VI. n. 28. [*i*] Juſtin. Novel. 123. cap. 1. [*k*] Juſtin. Novel. 137. cap. 2.

ther given by himſelf, or other, nor promiſed to give, nor would hereafter give to his Ordainer, or to any of his Electors, or any other Perſons any Thing to procure him an Ordination. And for any Biſhop to ordain another Biſhop without obſerving this Rule, is Depoſition by the ſame Law both for the Ordained and his Ordainer. Which ſhews alſo, That the Injunction of taking neceſſary Oaths, did not only bind in ſecular and civil Affairs, but in Eccleſiaſtical and Sacred likewiſe. And here not to inſiſt upon all that is ſaid in private Writers; as *Athanaſius* [*l*] requiring of *Conſtantius*, That his Accuſers might be put to their Oath; and *Evagrius* Archdeacon of *Conſtantinople* [*m*] Swearing upon the holy Goſpels; and what is ſaid by St. *Auſtin* [*n*] and many others in Juſtification of this Practice in neceſſary Caſes: I only obſerve that in ſome Councils Oaths are expreſsly required by General and Provincial Councils in many Caſes. The Oath of Fidelity to Kings is required by the 5th Council of *Toledo* [*o*], to be taken by all, both Clergy and Laity. And a Reference is made to a former Council of all *Spain*, where the ſame Oath was eſtabliſhed. That is the fourth Council of *Toledo*, where a Complaint is made [*p*] of many Nations breaking the Oath of Fidelity

[*l*] Athan. Apol. ad Conſtantium. T. 1. p. 678.

[*m*] Sozomen. Lib. 6. cap. 30. [*n*] Aug. Ep. 154. ad Publicolam. Ser. 30. de Verbis Apoſtoli. Lib. 1. de Serm. Dom. cap. 30. Greg. Naz. Ep. 219. ad Theodorum. Baſil. in Pſal. 14. T. 1. p. 133. Hieron. in Mat. 5. [*o*] Conc. Tolet. 5. can. 2. Hoc quod divinis Sacramentis ſpoſpondimus, &c.

[*p*] Conc. Tolet. 4 can. 74. Quæ in hoſtibus jurata ſponſio ſtabilis permanebit, quando nec ipſis propriis Regibus juratam fidem conſervant? — Sacrilegium quippe eſt, ſi violetur à Gentibus Regum ſuorum promiſſa Fides: Quia non ſolum in eos fit Pacti tranſgreſſio, ſed & in Deum, in cujus Nomine pollicetur ipſa promiſſio, &c.

Fidelity taken to their Kings: Which, they rightly obſerve, deſtroys their Credit with all Nations in Matters of Leagues and Treaties about Peace and War. For what Enemy can depend upon their Promiſes, though given upon Oath, who do not preſerve the Faith which they ſwear to their own Kings? Such Violation of Oaths and Fidelity to their Kings, is Sacrilege: becauſe it is not only a Breach of Compact againſt them, but againſt GOD, in whoſe Name the Promiſe is made. The ſame Council [q] takes Notice of Kings promiſing upon Oath to pardon Criminals in ſome ſpecial Caſes. And the eighth Council of *Toledo*, mentions many Caſes in which it was uſual to confirm Matters with a ſolemn Oath [r]; as the making of Leagues; the ſettling of laſting and inviolable Friendſhip; the taking of the Evidence and Depoſitions of Witneſſes in Law; and in Want of ſuch Evidence, the allowing a Man to clear his own Innocence by an Oath of Purgation. And in the ſixth General Council held at *Conſtantinople*, *Georgius Chartophylax* is appointed ſeveral times to take his Corporal [s] Oath by the Holy Scriptures and GOD that ſpeaks in them, concerning certain Things, the Truth of which he was to atteſt before the Council. From all which it is evident, that the ancient Chriſtians thought it a very lawful Thing to ratify and confirm their Faith by the Formality of an Oath, upon juſt and neceſſary Occaſions: And conſequently, that there could be no Rule

[q] Ibid. can. 30. Jurejurando ſupplicii Indulgentia promittitur. [r] Conc. Tolet. 8. can. 2. Omne quod in Pacis fœdera venit, tunc ſolidius ſubſiſtit, cum juramenti hoc interpoſitio roborat, &c. [s] Conc. 6. C. P. Act. 13. p. 378. Edit. Crab. Georgius Chartophylax juravit hoc modo: Per has ſanctas ſcripturas, & Deum qui per eas locutus eſt, &c. It. Act. 14. p. 382.

Rule to prohibit it, much leſs to make it a Crime worthy of Eccleſiaſtical Cenſure.

Sect. 5. *But only the Cuſtom of vain and common Swearing.*

NEITHER was it every ſingle Act of vain and common Swearing, that brought a Man under publick Diſcipline. For though every ſuch Act was eſteemed a Crime, yet it was not like the ſingle Act of Apoſtacy or Idolatry, or Murder, or Adultery, but it muſt be a Cuſtom or Habit of this Vice that made a Man liable to the Severity of Excommunication. *Tertullian* [t] ſays expreſsly, That every raſh and vain Oath did not bring a Man under the Diſcipline of publick Penance, but was reckoned among the Sins of daily Incurſion, for which private Repentance was appointed. And St. *Chryſoſtom*, who is moſt vehement and ſevere againſt this Vice, does not threaten Men with Excommunication for every ſingle Act of it, but for obſtinate Continuance in the Cuſtom and Practice of it after ſufficient Admonition. Having preached a whole *Lent* againſt Swearing to the People of *Antioch*, he thus concludes his laſt Diſcourſe: The Forty Days of *Lent* are already paſt [u]; if *Eaſter* paſſes likewiſe without reforming this wicked Cuſtom, I will thenceforward pardon no Man, nor uſe any longer Admonition, but commanding Authority, and Sharpneſs not to be deſpiſed. It is no juſt Apology in this Caſe to plead Cuſtom. For why may not the Robber as well plead Cuſtom, and thereby excuſe himſelf from Puniſhment? And why may not the Murderer and Adulterer do the ſame? Therefore I proteſt and denounce beforehand, That if I apprehend any who have not corrected this Vice, I will inflict Puniſhment upon them,

[t] Tertul. de Pudicit. cap. 19. *See before*, Chap. III. n. 14.
[u] Chryſ. Hom. 22. ad Pop. Antioch. T. 1. p. 294.

them, and order them to be excluded from the Participation of the Holy Myſteries. So again, in another *Homily* [x] to the People of *Antioch*: For this Sin we mourn and lament: But if I find any to perſiſt in it, I will exclude them from entring the Doors of the Church, and partaking of the Heavenly Myſteries. Nor let any one think to inſult me by the Help of his Riches or Power. Thoſe Things are no more to me than a mere Fable, a Shaddow, or a Dream. No rich Man will be able to be my Advocate, when I am accuſed before GOD's Tribunal, That I did not with all my Power and Might aſſert and vindicate the Laws of GOD, by puniſhing the Tranſgreſſors of them.

Sect. 6. *And Swearing by the Creatures.*

ANOTHER Tranſgreſſion of this Command, was Swearing by the Creatures. The fourth Council of *Carthage* [y] orders a Clergyman that was found guilty of this Crime, to be firſt ſharply reproved, and if he perſiſt in his Fault, to be excommunicated. St. *Jerom* ſays [z] our SAVIOUR prohibited it in thoſe Words, *Thou ſhalt not ſwear by Heaven, nor by Earth, nor* Jeruſalem, *nor by thy Head.* And there goes a Decree under the Name of Pope *Pius* I. [a] which forbids Men not only to ſwear by the Hair, or Head of GOD, or any other ſuch blaſphemous Oaths, but by the Creature, under the Penalty of Excommunication. BUT

[x] Chryſ. Hom. 17. in Mat. p. 182. [y] Conc. Carth. 4. can. 61. Clericum per Creaturas jurantem, acerrime objurgandum. Si perſtiterit in vitio, excommunicandum.

[z] Hieron. in Mat. 5. Conſidera quod hic ſalvator non per Deum jurare prohibuerit, ſed per Cœlum, & terram, & Hieroſolymam, & per caput tuum. [a] Ap. Gratian. Cauſ. 22. Quæſt. 1. cap. 10. Si quis per Capillum Dei vel Caput juraverit, vel alio modo blaſphemia contra Deum uſus fuerit; ſi Eccleſiaſtico ordine eſt, deponatur; ſi Laicus, anathematizetur. Et ſi quis per Creaturam juraverit, acerrime caſtigetur, &c.

BUT becauſe this may ſeem to contradict what they ſaid before, That a Man might lawfully ſwear by the Emperor's Safety; we are to conſider, That in ſuch Oaths they did not properly ſwear by the Creatures, invoking them as Witneſſes of the Truth of what they ſaid, but only naming them with ſome Relation to GOD, by whom they ſwore. Which, as Learned Men [b] obſerve, may lawfully be done two Ways. 1. In Execratory Oaths, when a Man devotes any Creature, in which he himſelf has ſome Right and Property, and as it were oppignorates it to the ſevere Vengeance of GOD the Judge, if he ſwear falſely. Thus a Man may in a ſerious Matter devote his Head, his Soul, his Children, or any other Thing belonging to him, if he knowingly forſwear himſelf. Such Examples of Oaths we have in Scripture, which reſpect GOD always directly as Witneſs and Judge; and the Creature only as ſome thing dear to us, which we are willing to pawn, to certify our Neighbour thereby, that we intend not to deceive him, to the Deſtruction of ourſelves, or any Things that are highly valued by us. Thus *David* ſwears, *Pſal.* vii. 5. *If I have done any ſuch Thing, O Lord, my God, or if there be any Wickedneſs in my Hands, then let my Enemy perſecute my Soul.* So St. *Paul*, 2 Cor. i. 23. *I call God for a Record upon my Soul.* And thus Men were uſed to ſwear by their Head, devoting it to a Curſe, if they wittingly falſified. This Way of uſing the Name of a Creature in an Oath is reputed lawful; becauſe this is not properly the Oath, but only an Appendix of it. 2. The other Way of mentioning the Creatures in an Oath, without Swearing by them, is, when by a Teſtification of the civil Reſpect and Affection they have for them, they likewiſe ſignify in the Preſence of GOD,

[b] Vid. Rivet. in Decalog. p. 126.

GOD the Truth of what they ſay to Men, That it is as certainly true, as they certainly and undoubtedly wiſh the Wealth and Proſperity of ſuch a Creature or Perſon. Thus *Joſeph*, when he ſwore by GOD, mentioned the Life of *Pharaoh*, Gen. xlii. 15. which the Vulgar *Latin* renders, *Per Salutem Pharaonis*, from the *Septuagint*, νὴ τὴν ὑγίειαν φαραὼ, by the Safety of *Pharaoh*: Which is the ſame Form, that, as we have ſeen before, the Primitive Chriſtians uſed, when they inſerted the Words, *Per Salutem Imperatoris*, into their ordinary Oaths conceived in the Name of GOD only. For neither of theſe intended to ſwear by the Creatures, but to teſtifie in the Preſence of GOD, that what they aſſerted was as certainly true, as they wiſhed the Safety of *Pharaoh*, or the Emperor, or as certainly as they were in Health and in Being. For ſuch Forms may be taken either by Way of Prayer, or Aſſeveration and Proteſtation: Where the Proteſtation is plainly expreſſed, but that which is properly the Oath in the Name of GOD, is covertly underſtood. And in this Senſe both the ancient Chriſtians and *Joſeph* are to be underſtood. For as St. *Baſil* [c] obſerves, there are ſome Modes of Expreſſion which ſeem to be Oaths, but are not properly Oaths, but only Aſſeverations, to confirm the Truth to Men: He inſtances in that of *Joſeph*, who ſware, νὴ τὴν ὑγίειαν φαραὼ, by the Safety of *Pharaoh*.

Sect. 7. *And by the Emperor's Genius, and Saints and Angels.*

BUT the Caſe was otherwiſe when Men ſwore directly by any Creatures, as Judges and Revengers of their Thoughts, if they were falſe and perfidious in their Depoſition.

[c] Baſil. in Pſal. 14. T. 1. p. 133.

ſition. Therefore though the Chriſtians admitted the naming of the Emperor's Safety in their Oaths, they would never ſwear by the Emperor's Genius, becauſe this was Idolatry, and in Effect Apoſtatizing to Heatheniſm, and Renouncing the Chriſtian Religion. The Perſecutors required no more of them but this, as a Teſtimony of their Renunciation. In the Paſſion of *Polycarp*, recorded by *Euſebius* [*d*], the Proconſul required him frequently to ſwear by the Emperor's Genius: To which he conſtantly reply'd, That he was a Chriſtian. So in *The Acts of the* Scillitan *Martyrs* [*e*] *in* Africk, the Judge bids them only ſwear by the Emperor's Genius, and that ſhould paſs for an Acknowledgment of the Gentile Religion: But they anſwered, We know nothing of the Emperor's Genius, but we worſhip and ſerve the GOD of Heaven. The like is ſaid by *Origen* [*f*], We ſwear not by the Emperor's Fortune or Genius: For whether Fortune be only a caſual Thing, as ſome repute it, we ſwear not by that as a God, which is Nothing in the World, leſt we ſhould apply the Power of an Oath to that which we ought not; or whether *Fortune* be one of the *Dæmons*, as others ſay, we rather chuſe to die, than ſwear by an impious and wicked Devil. The like is ſaid by *Minucius* [*g*], That it was peculiar to the Heathens to ſwear by the Emperor's Genius, that is, his *Dæmon*; and that it was ſafer to forſwear themſelves by the Genius of *Jupiter*,

[*d*] Euſeb. Lib. 5. cap. 15. p. 131. ὅμοσον τὴν Καίσαρος τυχήν. [*e*] Acta Mart. Scyllitan. ap. Baron. an. 202. n. 2. Proconſul dixit: Tantum jura per Genium Regis noſtri. Speratus dixit, ego Imperatoris mundi Genium neſcio, ſed cœleſti Deo meo ſervio. [*f*] Orig. cont. Celſ. Lib. 8. p. 421. [*g*] Minuc. p. 88. Genium, id eſt, Dæmonem ejus implorant; & eſt eis tutius per Jovis Genium pejerare quam Regis.

Jupiter, than the Genius of the Emperor. *Tertullian* [*h*] ſays, Chriſtians abſolutely refuſed to ſwear by this Form, though they ſcrupled not to ſwear by the Emperor's Safety. But the Heathen Rebels were uſed to ſwear [*i*] by the Emperor's Genius, at the ſame time that they were plotting Treaſon againſt him; which he frequently retorts upon them, becauſe they were uſed to charge Chriſtians [*k*] as Traitors, becauſe they would not ſwear by the Emperor's Genius. The Nature of this Crime then, we ſee, was plainly Idolatry, and Apoſtacy, in giving Divine Honour to a *Dæmon*, inſtead of GOD, and thereby Renouncing at once the Chriſtian Religion. Whatever Penalties therefore were impoſed on Idolaters and Apoſtates, the ſame we may conclude to have been the Puniſhment of thoſe who in Times of Perſecution comply'd with the Demands of the Heathen, to ſwear by the Emperor's *Genius* or *Dæmon*, which was to give Divine Honour to Creatures, and the worſt of Creatures, the Apoſtate Angels, who were in profeſs'd Rebellion againſt GOD.

TO ſwear by Good Angels, or Saints, or the Virgin *Mary*, or their Images and Relicks, though it had a more ſpecious Pretence, was not much ſhort of the former Vice. For all Divine Worſhip being appropriated to GOD by the Doctrine of the Ancients; and the Taking of an Oath being one ſolemn Act of that Worſhip; they were no more diſpoſed to ſwear by an Angel or a Saint than by the Emperor's Genius, or any other Thing that might

[*h*] Tertul. Apol. cap. 32. [*i*] Ibid. cap. 35. Unde Caſſii, & Nigri, & Albini? Omnes illi ſub ipſa uſque impietatis eruptione & ſacra faciebant pro ſalute Imperatoris, & Genium ejus dejerabant. It. Lib. ad Scapulam. cap. 2.

[*k*] Tertul. ad Nationes. Lib. 1. cap. 17.

might reaſonably be interpreted a conferring the Honour of GOD upon the Creature. Therefore *Optatus* objects it to the *Donatiſts*, as a great Piece of Inſolence and Impiety, That whereas [*l*] Men ought to ſwear only by GOD alone, *Donatus* ſuffered thoſe of his Party to ſwear by himſelf as a God. And his Succeſſors as greedily embraced this Honour. For *Optatus* [*m*] charges the ſame Impiety unpon them all in general: The Prople ſwear by you, and are now commonly known to put your Perſons in the Place of GOD. Men are uſed to name the Name of GOD in Oaths to confirm their Faith or Veracity: But while they ſwear by you, there is no mention of GOD or CHRIST among your Party. If Divine Religion be tranſplanted from Heaven to you, ſeeing Men ſwear by your Name, why do you not aſſume the Power of preventing all Diſeaſes in yourſelves, and thoſe of your Party? Let no one die: Command the Clouds: Rain, if you can: That Men may ſwear more perfectly by your Name, and take no Notice of GOD. O *Sacrilegium Impietati commixtum!* O the Sacrilege and Impiety that concurs together in your Actions, whilſt you willingly hear Men ſwear by your Names, and let not the Name of GOD be once mentioned in your Ears. He ſays farther, That they were [*n*] uſed to ſwear by their pretended Martyrs, though they were Men that ſuffered for their Crimes, and not for the Cauſe of Religion. By which it is evident, that in the Time of *Optatus*, to ſwear by

[*l*] Optat. Lib. 3. p. 65. Cum per ſolum Deum ſoleant homines jurare, paſſus eſt homines per ſe ſic jurare, tanquam per Deum. [*m*] Lib. 2. p. 58. Populus veſter per vos jurant, & Perſonas veſtras jam pro Deo habere noſcuntur, &c.

[*n*] Optat. Lib. 3. p. 69. Quos vos inter Martyres ponitis, per quos, tanquam per unicam Religionem, veſtræ communionis homines jurant.

the Name of a Man, whether living or dead, was reckoned no leſs a Crime than Sacrilege and Impiety, as transferring the Honour of GOD upon the Creature. And conſequently, the ſame Puniſhment that was due to Sacrilege and Impiety, muſt be ſuppoſed to be the Puniſhment of this Crime in all thoſe that were guilty of it; though we read of Few beſides theſe Hereticks in thoſe Days that were diſpoſed to run into it, till the Worſhip of Saints, and Angels, and the Virgin *Mary*, began to creep into the Church; and then together with that Corruption came in this other of joyning the Virgin *Mary*, and the Archangels *Michael* and *Gabriel*, in the ſame Oath with GOD. The Form of which ſort of Oaths, we have in one of *Juſtinian*'s *Novels* [o], which obliges every Governor of a Province to take an Oath of Allegiance, and an Oath againſt Bribery, or corrupt Entrance into his Office, in this Form: "I ſwear by GOD Almighty, and his onely "begotten Son our Lord JESUS CHRIST, and the Ho-"LY GHOST, and the moſt holy glorious Mother of "GOD, and ever-Virgin *Mary*, and by the four *Goſpels* "which I hold in my Hand, and by the holy Arch-"angels *Michael* and *Gabriel*, That I will keep a pure "Conſcience, and pay faithful and true Allegiance to "their moſt ſacred Majeſties *Juſtinian* and *Theodora* his "Conſort, who put me into this Office. And I ſwear "by the ſame Oath, That I neither gave, nor will give, "nor promiſed to give any Thing to any one what-"ſoever

[o] Juſtin. Novel. 9. Juro ego per Deum Omnipotentem, & Filium ejus Unigenitum Dominum noſtrum Jeſum Chriſtum, & Spiritum ſanctum, & per Sanctam Glorioſam Dei Genetricem & ſemper Virginem Mariam, & per quatuor Evangelia, quæ in manibus meis teneo, & per ſanctos Archangelos Michaelem & Gabrielem, puram conſcientiam germanumque ſervitium me ſervaturum ſacratiſſimis noſtris Dominis Juſtiniano & Theodoræ conjugi ejus, &c.

" ſoever for his Patronage or Aſſiſtance in pro-
" curing me this Adminiſtration; but as I re-
" ceived it without Bribery, ſo I will execure it
" with Purity, being content with the publick Sa-
" lary that is appointed me." The Matter of this Oath is exceeding good, but it muſt be confeſs'd, the Form of it is a Deviation from the Purity and Simplicity of former Ages, when Oaths were only made in the Name of GOD, as a Speciality of Divine Worſhip peculiarly belonging to him. This is the firſt Inſtance I remember of any Oath of this Kind allowed in the Church: And it ſerves to ſhew in how ſhort a Time Corruptions may gain Ground by Authority: For that which was reputed Sacrilege and Impiety in the Time of *Optatus*, was now become an Inſtance of ſingular Devotion to the Archangels and the Virgin *Mary*. There are many other Things might be noted concerning Oaths; but here I only ſpeak of ſuch Things as relate to the Diſcipline of the Church.

Sect. 8. *Of Perjury, and its Puniſhment.*

THE next great Crime that might be committed againſt the Name and Majeſty of GOD, was Perjury; which might be committed either at the Time of taking the Oath, by Swearing to a falſe Thing, or Swearing to do ſome wicked and unlawful Thing; or elſe afterward, by not performing what a Man lawfully might, when he was ſolemnly engaged upon Oath to do it. He that ſwore to do an unlawful Thing, as ſuppoſe to live in perpetual Enmity with another Man, and never be reconciled to him, was by the Council of *Lerida* [*p*] to be caſt out of Communion a whole Year for his

[*p*] Cenc. Ilerdens. can. 7. Qui Sacramento ſe obligaverit, ut litigans cum quolibet, ad Pacem nullo modo redeat, pro Perjurio

his Perjury, and obliged to repent of his unlawful Oath, and be reconciled to his Brother. For in this Caſe, as the Fathers and Canons [q] determine, the unlawful Oath was not to be kept, leſt it ſhould involve him, like *Herod*, in a double or triple Sin; but he was to reſcind his Oath, and repent of his Perjury, which was better than to add one Sin to another under Pretence of Piety and Religion. In this Caſe the Penance was ſo much the ſhorter, becauſe Men were ſuppoſed by ſome haſty Paſſion to be involved raſhly in this Guilt, and not by any ſettled Conſideration.

BUT in other Caſes, Perjury in atteſting a falſe Thing, or not performing a lawful Oath, was more ſeverely treated. For *Chryſoſtom* reckons Perjury in the ſame Claſs with Murder, Fornication [r] and Adultery. And St. *Baſil* [s] impoſes eleven Years Penance upon thoſe that were guilty of it: The perjured Perſon ſhall be a Mourner two Years, an Hearer three, a Proſtrator four, a Co-ſtander one. The firſt Council of *Maſcon* [t] orders thoſe that drew others into falſe Witneſs or Perjury, to be caſt out of Communion to the Hour of Death; and thoſe that were ſo drawn in, to be for ever after uncapable of giving Teſtimony, and to be noted as infamous

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Perjurio uno anno a Communione Sanguinis & Corporis Dominici ſegregatus, reatum ſuum fletibus, Eleemoſynis, & quantis potuerit Jejuniis abſolvat.

[q] Vid. Conc. Tolet. 8. can. 2. *Where the Teſtimonies of St.* Ambroſe, *St.* Auſtin, Gregory *and* Iſidore, *are cited at large to this Purpoſe. As alſo in* Gratian. Cauſ. 22. Quæſt. 4.

[r] Chryſ. Hom. 17. in Mat. p. 182. It. Hom. 22. de Ira. T. 1. p. 294. [s] Baſil. can. 64. [t] Conc. Matiſcon. 1. can. 17. Si quis convictus fuerit alios ad falſum Teſtimonium vel Perjurium attraxiſſe, ipſe quidem uſque ad exitum non Communicet: Hi vero qui ei in Perjurio conſenſiſſe probantur, poſt ab omni ſunt Teſtimonio prohibendi, & ſecundum Legem infamia notabuntur.

infamous Perſons according to the Laws: Meaning probably, the Laws of the State, as well as the Laws of the Church. For, as *Gothofred* ſhews at large, the *Civil Law* under the old *Romans*, ſet the Brand of Infamy upon all ſuch perjured Perſons; and *Honorius* added ſeveral other Penalties [*u*] to give new Vigor to the ancient Laws, and make them more effectual. I cannot here omit the Relation which *Euſebius* gives of the Divine Vengeance purſuing three perjured Villains, who combined tegether to ſwear to a falſe Accuſation, which they had plotted before-hand againſt *Narciſſus* Biſhop of *Jeruſalem*; becauſe it ſhews, that when Church-Diſcipline cannot take Effect for Want of Evidence againſt the Criminal, Providence is ſometimes pleaſed to interpoſe, and revenge this Crime by an immediate divine Judgment. Three Men, he ſays [*x*], who were afraid to be called in Queſtion by the Biſhop, and puniſhed for their wicked Lives, reſolved to be beforehand with him, by contriving and bringing an heavy Accuſation againſt him. And to gain Credit to their Accuſation before the Church, they each confirmed it with a ſolemn Oath. One of them wiſhed, That if he ſwore falſely, he might periſh by Fire; another, That his Body might be conſumed by ſome peſtilential Diſeaſe; and the third, That he might loſe his Eyes. The Church gave no Credit to their Oaths, as knowing the Biſhop to be of a clear and unblameable Life: However, he being not able to bear the Calumny, and being otherwiſe of a long time deſirous of a retired Life, he thereupon withdrew into the Wilderneſs, leaving his Church to live the Life of an Hermit. But the great Eye of Juſtice did

[*u*] Vid. Cod. Theod. Lib. 2. Tit. 9. De Pactis. Leg. 8. Et Gothofred. in Locum. [*x*] Euſeb. Lib, 6. cap. 9.

not thus ſuffer the Matter to reſt, but preſently revenged the Miſcreants with the Curſes they had imprecated upon themſelves. For the firſt by a little Spark of Fire, that caſually happened in his Houſe, and whereof no one could give any account, was in the Night, himſelf, Family and Houſe univerſally burnt to Aſhes; the ſecond was from the Sole of the Foot to the Crown of his Head over-run and conſumed by the ſame peſtilential Diſeaſe which he had wiſhed upon himſelf; and the third ſeeing what had befallen the other two, and fearing the inevitable Vengeance of the All-ſeeing GOD, confeſſed the whole Plot and Contrivance of the Calumny which they had formed: And he teſtified his Repentance with ſo deep a a Sorrow, that with the Multitude of his Tears he loſt his Sight. Thus theſe perjured Wretches were puniſhed by the Hand of GOD, when Eccleſiaſtical Cenſure for Want of Evidence could not touch them.

Sect. 9. *Of Breach of Vows.*

THE laſt Tranſgreſſion of this Commandment, that was puniſhed with Eccleſiaſtical Cenſure, was Breach of Vows, or Promiſes ſolemnly made to GOD. And this was both in Things and Perſons. If a Man vowed to give his Eſtate, or any Part of it, to the Service of GOD; it was a Breach of Vow, including Sacrilege, to retract it. *Ananias* was ſeverely cenſured for this, in ſuch an extraordinary Way by the Apoſtolical Rod and Mouth of St. *Peter*, as in St. *Baſil*'s Judgment [*y*], left him no Room for Repentance. The Church in after-Ages could not puniſh ſuch Delinquents in that extraordinary Manner: But as every ſuch Breach of Vow was a Piece of Sacrilege,

[*y*] Baſil. Hom. De Inſtitut. Monach.

crilege, as well as Perfidiouſneſs and Perjury, we may be ſure, the common Penalties that were inflicted on thoſe two Crimes ſingly, were no leſs carefully impoſed on this Crime, where they center'd both in Combination. There was alſo a Breach of Vow, which concerned the Dedication of Perſons to GOD. The Clergy were ſuppoſed to be more peculiarly GOD's Inheritance, dedicating themſelves by a ſolemn Act of their own voluntary Choice to the Miniſtry of his Church: And therefore none of this Order were allowed to deſert their Station, and turn Seculars again, upon the ſevereſt Penalty of Excommunication. As appears from the Rules of the General Council of *Chalcedon* [z] and the Council of *Tours* [a]. Which the Laws of the State confirmed by proper Sanctions [b] of a Civil Nature, ordering all ſuch Deſerters to be delivered up to the *Curia* of their City, to ſerve there all their Lives; and to forfeit all ſuch Eſtates as they were poſſeſs'd of, to the Church or Monaſtery to which they belonged. For the ſame Penalties were inflicted on Monks and conſecrated Virgins and Widows, who by any ſolemn Vow had bid *Adieu* to the World, and had betaken themſelves to the *Aſcetick* Life. If after this they marry'd and returned to a Secular Life; though the Church did not annul their Marriage, under the Notion of being adulterous (which is now commonly done in the *Romiſh* Communion) yet ſhe impoſed a certain Penance upon them as guilty of Perfidiouſneſs and Breach of Vow. The Council of *Chalcedon* [c] orders

[z] Conc. Chalced. can. 7. [a] Conc. Turon. can. 5.
[b] Cod. Theod. Lib. 16. Tit. 2. de Epiſc. Leg. 39. Cod. Juſtin. Lib. 1. Tit. 3. de Epiſc. Leg. 55. *Of which ſee more* Book VI. chap. iv. n. 1. [c] Conc. Chalced. can. 16. Vid. Conc. Tolet. 4. can. 54. Leo. Ep. 92. ad Ruſticum. c. 12. Conc. Ancyr. can. 19.

ders both Monks and Virgins to be excommunicated, if they married after their ſolemn Conſecration and Profeſſion. St. *Baſil* ſays [*d*] they were to do the Penance of Fornicators or Adulterers. Not that he reckoned their Marriage Fornication or Adultery, but only to aſſign the Term of their Penance. For as we have ſhewed elſewhere [*] out of St. *Auſtin* [*e*], ſuch Marriages were never reputed Adultery, but true Marriages, and therefore not annulled by any Rule of the ancient Church: Though now by the Authority of the Council of *Trent* the contrary Practice prevails in the *Romiſh* Church, where all ſuch Marriages are reverſed, and the Parties obliged to ſeparate from one another.

CHAP. VIII.

Of Sins againſt the fourth Commandment, or Violations of the Law injoining the Religious Obſervation of the Lord's-Day.

Sect. 1. *Abſenting from Religious Aſſemblies on the* Lord's-Day, *how puniſhed by the Laws of the Church.*

SOMETHING has already been noted concerning the religious Obſervation of the *Lord's-Day* in a former Book [†], and more will be ſaid hereafter, when we come to ſpeak of the Feſtivals, of which this was always reckoned the Principal in the Chriſtian Church. Here therefore our preſent Subject only requires us to remark ſuch Violations of the Law injoining the religious

[*d*] Baſil. can. 60. [*] Book VII. chap. iii. n. 23.
[*e*] Aug. de Bono Viduitatis. cap. 10.
[†] Book XIII. chap. ix. n. 1.

religious Obſervation of the *Lord's-Day*, as made Men liable to Eccleſiaſtical Cenſure. And firſt, it being a Rule, that Men ſhould meet together, to celebrate all Divine Offices in Publick on the *Lord's-Day:* The voluntary abſenting from this Service, either in Whole, or in Part, was ever reputed a Crime worthy of Eccleſiaſtical Cenſure. To abſent wholly, as Hereticks and Schiſmaticks did, by a choſen Separation, though they met in private Conventicles of their own, was eſteemed ſuch a Violation of the Law, as the Church thought fit to puniſh with the ſevereſt Cenſure of *Anathema:* As appears from ſeveral Canons of the Council of *Gangra* [*a*], which having been related at length before [*] I need not here repeat them. *Secondly*, If Men, who were otherwiſe Orthodox, neglected for any conſiderable Time to frequent the Church on the *Lord's-Day*, this was a Miſdemeanor deſerving to be corrected by a judicial Suſpenſion from the Communion. This may be ſeen in the Canons of *Eliberis* [*b*], *Sardica* [*c*], and the Council of *Trullo* [*d*], which for the ſame Reaſon I forbear to recite.

Sect. 2. *Of frequenting ſome Part of the* Lord's-Day *Service, and neglecting the reſt.*

Thirdly, To frequent ſome Part of Divine Service on the *Lord's-Day*, and neglect or withdraw from the reſt, was in thoſe Days a Crime of a very high Nature, and puniſhable with Excommunication. This is evident from thoſe called the *Apoſtolical Canons*, one of which orders [*e*], That all Communicants, who came to Church to hear the Sermon and the Scriptures read,

[*a*] Conc. Gangrens. can. 5, 6, 7. &c. [*] Book XVI. Chap. i. n. 5. [*b*] Conc. Eliber. can. 21. [*c*] Conc. Sardic. can. 11. [*d*] Conc. Trull. can. 80. [*e*] Canon. Apoſt. c. 7.

read, but did not ſtay to join in the Prayers and receive the *Euchariſt*, ſhould be ſuſpended, as Authors of Confuſion and Diſorder in the Church. The ſame is decreed in the Council of *Antioch* [*f*] in the ſame Terms, and under the ſame Penalty. The Council of *Eliberis* [*g*] forbids the Biſhop to receive the Oblations of ſuch as did not communicate. Which was in Effect to exclude them from the Communion of the Church. And the firſt Council of *Toledo* [*h*] orders ſuch as come to Church, but neglect to frequent the Communion, to be admoniſhed; and if upon Admonition they amend not, then to put them under publick Penance, as great Offenders. And another Canon [*i*] of the ſame Council adds, That if any preſent themſelves to the Communion, and take the *Euchariſt* at the Hands of the Prieſt, and yet forbear to eat it, they ſhall be driven out of the Church as ſacrilegious Perſons. All theſe Canons ſuppoſe, what we have fully evinced in a former Book [*], That the Celebration of the *Euchariſt* was a ſtanding Part of Divine Service every *Lord's-Day*; and that every Chriſtian Communicant, who was not under Penance, was obliged to partake thereof, to fulfill the Duty he owed to GOD upon this Day: And therefore all ſuch as neglected this Part of Divine Worſhip, were to be cenſured as Tranſgreſſors, for contemning one Principal Part of the religious

[*f*] Conc. Antioch. can. 2. [*g*] Conc. Eliber. can. 28. Epiſcopum, placuit, ab eo qui non communicat, munera accipere non debere. [*h*] Conc. Tolet. 1. can. 13. De his qui intrant in Eccleſiam, & deprehenduntur nunquam communicare, admoneantur. Quod ſi non communicant, ad Pœnitentiam accedant. [*i*] Ibid. can. 14. Si quis autem acceptam a ſacerdote Euchariſtiam non ſumpſerit, velut Sacrilegus propellatur. [*] Book XV. chap. ix.

religious Obſervation of the *Lord's-Day*. I cannot write this without lamenting the hard Fate of many pious Perſons in the preſent Age, whoſe Diſpoſition would incline them to be conſtant Communicants every *Lord's-Day*, but they want Opportunity in the preſent Poſture of Affairs to execute their good Deſigns. Such muſt content themſelves with that of the Apoſtle, *If there be firſt a willing Mind, it is accepted according to that a Man hath, and not according to that he hath not*; and in the mean Time pray to GOD to find out a Method in his good Providence to reſtore the ancient Diſcipline and Primitive Fervour. But I proceed.

Sect. 3. *Faſting on the* Lord's-Day *prohibited under Pain of Excommunication.*

IT was an ancient and general Cuſtom in the Primitive Church, to keep the *Lord's-Day* as a Feſtival, and Day of rejoicing, in Memory of our Saviour's Reſurrection; and never to faſt on that Day, no not even in the Time of *Lent*. And therefore to faſt perverſly on this Day was always reputed a Crime deſerving Eccleſiaſtical Cenſure. *Tertullian* [*k*] ſays, They counted it a Crime to faſt on the *Lord's-Day*. And he remarks, That even the *Montaniſts*, who were the moſt rigid in obſerving their Times of Faſting, omitted [*l*] both *Saturday* and *Sunday* throughout the Year. For though they obſerved Three *Lents*, and two Weeks of *Xerophagia*, or dry Meats beſides, yet they excepted the *Sabbath* or *Saturday*, and the *Lord's-Day* from theſe Laws of Faſting. St. *Ambroſe* likewiſe tells us [*m*], That

[*k*] Tertul. de Coron. Mil. cap. 3. Die Dominico jejunare nefas ducimus. [*l*] Id. de Jejun. adverſus Pſychicos. cap. 15. Duas in anno Hebdomadas Xerophagiarum, nec totas, exceptis ſcilicet ſabbatis & Dominicis, Deo offerimus. [*m*] Ambroſ. de Elia & Jejunio. cap. 10. Quadrageſimæ totis, præter ſabbatum & Dominicam, jejunatur diebus.

That the *Catholicks* were uſed to except theſe two Days in their *Lent*-Faſts. They never faſted on the *Lord's-Day*, but thought they had Reaſon to condemn the *Manichees* for [n] ſo doing: For to appoint that Day to be a Faſt-day, was in Effect to disbelieve the Reſurrection of CHRIST. Several other Hereticks beſide the *Manichees*, were condemned for this Practice by the firſt Council of *Braga* [o]: They particularly name the *Cerdonians*, *Marcionites* and *Priſcillianiſts*, whom they anathematize upon this Account, as faſting on the Day of CHRIST's Nativity and the *Lord's-Day*, becauſe they did this in Derogation to the Truth of CHRIST's Human Nature. Pope *Leo* notes the *Priſcillianiſts* [p] upon the ſame Account. And the fourth Council of *Carthage* [q] cenſures them as no *Catholicks*, who chuſe to faſt upon this Day. St. *Auſtin* [r] not only ſays, That it was the Cuſtom of the whole Catholick Church to abſtain from Faſting on this Day, but that no one could do otherwiſe without giving great Scandal to the Church, becauſe the impious *Manichees* had choſen this Day particularly [s] to faſt upon in Oppoſition to the Church. Upon theſe Grounds and Reaſons the Canons are very ſevere in their Cenſures of ſuch Tranſgreſſors. If any one faſt on the *Lord's-Day*, ſays the Council

[n] Ambr. Ep. 83. Dominica jejunare non poſſumus, quia Manichæos etiam ob iſtius diei jejunia jure damnamus. Hoc enim eſt in Reſurrectionem Chriſti non credere, ſi quis legem jejunii die Reſurrectionis indicat. [o] Conc. Bracar. 1. can. 4. Si quis Natale Chriſti ſecundum carnem non vere honoret, ſed honorare ſe ſimulat, jejunans in eodem die & in Dominico; quia Chriſtum in vera hominis natura non credit, ſicut Cerdon, Marcion, Manichæus & Priſcillianus, anathema ſit.

[p] Leo. Ep. 93. ad Turbium. cap. 4. [q] Conc. Carth. 4. can. 64. Qui Dominico die ſtudioſe jejunat, non credatur Catholicus. [r] Aug. Ep. 119. ad Januar. cap. 15.

[s] Aug. Ep, 86. ad Caſulan.

cil of *Gangra* [t], though it be under Pretence of leading an *Aſcetick* Life, *Let him be* Anathema. In like manner the *Apoſtolical Canons* [u], If any Clergyman faſt on the *Lord's Day*, or Sabbath (one only excepted, *viz.* the Sabbath before *Eaſter*) let him be depoſed. If he be a Layman, let him be caſt out of the Communion of the Church. And this is repeated in the Council of *Trullo* [x], and other Rules of the ancient Church.

Sect. 4. *Frequenting the Theatre and other Shews, and Paſtimes on this Day, how puniſhed.*

THERE were many other Rules made by the Ancients for the decent Obſervation of the *Lord's-Day*: As that Men ſhould abſtain from all unneceſſary bodily Labour; that all Law-Suits and Pleadings and Proſecutions ſhould ceaſe upon this Day; that Divine Service ſhould be performed ſtanding, in Memory of our Saviour's Reſurrection: But as the Tranſgreſſions of theſe Rules are not uſually mentioned with the ſame Comminations of Eccleſiaſtical Puniſhments, the Conſideration of them belongs not to this Head, but ſhall be reſerved for its proper Place, under the Title of *Feſtivals*, where the Obſervation of the *Lord's Day* will come again more particularly to be conſidered. But there is one Thing more that muſt not here be omitted: Which is, That when Men neglected the Publick Service of GOD, to follow vain Sports and Paſtimes on this Day, this was thought a Crime worthy to be corrected by the ſevereſt Cenſures of the Church. The *Imperial Laws* forbad all publick Games and Shews on this Day. *Theodoſius the Great* [y] ſpeaks

[t] Conc. Gangren. can. 18. εἴ τις διὰ νομιζομένην ἄσκησιν ἐν τῇ κυριακῇ νηστεύοι, ἀνάθεμα ἔστω. [u] Canon. Apoſt. 64.
[x] Conc. Trull. can. 55. Vid. Conc. Cæſar-auguſt. c. 2.

[*y*] ſpeaks of two Laws made by himſelf to this Purpoſe. And *Theodoſius Junior* made another [*z*], wherein he not only forbids the exhibiting of the Shews on the *Lord's-Day*, but on the other great Feſtivals, the *Nativity*, *Epiphany*, *Eaſter* and *Pentecoſt*. But no Penalties being annexed to theſe Laws, there was ſtill Occaſion for the Laws of the Church to reſtrain Men by Eccleſiaſtical Cenſures. And therefore the Canons made this Crime to be noted as an heinous Offence, and puniſhed the Tranſgreſſors with Excommunication. If any one on a ſolemn Day, ſays the fourth Council of *Carthage* [*a*], leave the ſolemn Aſſembly of the Church, to go to the Shews, let him be excommunicated. And another Canon [*b*] excommunicates thoſe who leave the Church, whilſt the Biſhop is Preaching. The fifth Council of *Carthage*, as it is related in the *African Code* [*c*], petitioned the Emperor *Honorius* to forbid all Theatrical Shews on the *Lord's-Day* and all the great Feſtivals. St. *Chryſoſtom* [*d*] calls them σαλανικὰ συνέδρια, the Conventions of Satan, and tells his Auditory, he would no longer uſe gentle Remedies,

[*y*] Cod. Theod. Lib. 15. Tit. 5. de Spectaculis. Leg. 2. Illud etiam præmonemus, ne quis in Legem noſtram, quam dudum tulimus, committat: Nullus ſolis die populo ſpectaculum præbeat, nec Divinam Venerationem confecta ſolemnitate confundat. [*z*] Ibid. Leg. 5. Dominico, qui ſeptimanæ totius primus eſt dies, & Natale, atque Epiphaniorum Chriſti, Paſchæ etiam & Quinquageſimæ diebus— omni Theatrorum atque Circenſium voluptate populis denegata, totæ Chriſtianorum ac Fidelium mentes Dei cultibus occupantur,&c. Vid. Cod. Juſtin. Lib. 3. Tit. 12. de Feriis. Leg. 11. Leonis & Anthemij. [*a*] Conc. Carth. 4. can. 88. Qui die ſolenni prætermiſſo ſolenni Eccleſiæ Conventu, ad ſpectacula vadit, excommunicetur. [*b*] Ibid. can. 24. Sacerdote verbum faciente in Eccleſia, qui de Auditorio egreſſus fuerit, excommunicetur. [*c*] Cod. Afric. can. 61. [*d*] Chryſ. Hom. 6. in Gen. T. 2. p 53.

medies, but *Stypticks* and *Cauſticks*, to put a Stop to the raging Diſtemper. They that continued in this Crime after this formal Admonition, ſhould be no longer endured, but feel the Weight of the *Eccleſiaſtical Laws*, and learn thereby not to contemn the Divine Oracles. By which it is evident, that though the Games and Paſtimes of the *Circus* and the Theatre were ſtill allowed under the Chriſtian Emperors, yet they were preciſely forbidden on the *Lord's-Day*: And to frequent them at that Time, was one of thoſe great Tranſgreſſions for which Men felt the heavieſt Cenſures of the Church.

CHAP. IX.

Of great Tranſgreſſions againſt the Fifth Commandment, Diſobedience to Parents, and Maſters; Treaſon and Rebellion againſt Princes; and Contempt of the Laws of the Church.

Sect. 1. *Children not to deſert their Parents under Pretence of Religion. The Cenſure of ſuch as taught otherwiſe.*

UNDER the Name of Parents is commonly underſtood not only the natural Parents, but alſo the Political or Civil, that is, Magiſtrates and Rulers; as alſo ſpiritual Parents, that is, the Governors of the Church; and OEconomical Parents, that is, Maſters of Families; whoſe Authority reſpectively over their Children, Subjects, People, and Servants being very great, it was thought proper to ſecure it not only by the Laws of the Eſtate, but alſo by the Laws and ſpiritual Cenſures of the Church.

CHILDREN by the old *Roman* Law were eſteemed ſo much the Property and Poſſeſſion of their Parents, that they had Power of Life and Death

Death [*a*] over them; and alſo might ſell them to be Slaves without Redemption [*b*] in Caſes of extream Neceſſity for their own Maintenance, as appears from ſeveral Laws in both the *Codes*; and the Complaints made by the Ancients [*c*] of this Hardſhip; and the Alluſion which our Saviour makes in the Parable to the like Cuſtom among the *Jews*. *Mat.* 18. where the Lord commands his Debtor to be ſold, and his Wife and Children and all that he had, and Payment to be made. And though the Laws of Chriſtian Emperors a little reſtrained this exorbitant Power of Parents; taking from them the Power of Life and Death; and allowing Children [*d*] to be maintained out of the publick Revenue, to prevent being ſold; or to be redeemed again, if ſold: Yet ſtill they left a conſiderable Power in the Hands of Parents to diſpoſe of their Children, whilſt they were Minors or under Age, only excepting the Caſes of Slavery and Death. For till the Time of *Juſtinian*, Children were not allowed to betake themſelves to a *Monaſtick* Life without or againſt the Conſent of their Parents. Which is evident from the Rule of St. *Baſil* [*e*] which forbids Children to be received into Monaſteries, unleſs they were offered by their Parents, if their Parents were alive. And the Council of *Gangra* lays an heavy Penalty [*f*] upon

[*a*] Cod. Juſtin. Lib. 8. Tit. 47. de Patria Poteſtate. Leg. 10. Patribus jus vitæ in Liberos neciſque Poteſtas olim erat permiſſa. [*b*] Cod. Theod. Lib. 3. Tit. 3. de Patribus qui Filios diſtraxerunt. Leg. 1. & Lib. 5. Tit. 8. de his qui ſanguinolentos emptos acceperint. Et Lib. 11. Tit. 27. de Alimentis quæ inopes Parentes de Publico petere debent. Leg. 1 & 2. It. Valentin. Novel. 11. [*c*] Vid. Baſil. Hom. in Pſal. 14. T. 1. p. 141. [*d*] Cod. Theod. Lib. 9. Tit. 15. de his qui Parentes vel Liberos occiderunt. Leg. unica. Et Lib. 11. Tit. 27. Leg. 1. & 2. [*e*] Baſil. Regul. Major. Q. 15.

[f] upon them: If any Children under Pretence of Religion forſake their Parents, and give them not the Honour due unto them, let them be *Anathema*. This Doctrine was taught and propagated by the *Euſtathian* Hereticks, who alſo taught, that Women might leave their Huſbands, and Parents deſert their Children, and take no farther Care of them, under the ſame Pretence of betaking themſelves to a *Monaſtick* Life. Againſt whom [g] the ſame Council made ſeveral other Canons, impoſing the like Penalty upon them.

Sect. 2. *Children not to marry without Conſent of their Parents.*

ANOTHER Branch of paternal Power was the Right which Parents had to diſpoſe of their Children in Marriage: Which Right was ſo carefully guarded by the Imperial Laws, that we ſcarce find any Crime ſo ſeverely revenged, as the Violation of it, when Children who were under their Parents Power, married without, or againſt the Conſent of their Parents, or ſuch Guardians and Tutors as were in the Room of them. Witneſs that famous Law of *Conſtantine* in the *Theodoſian Code* [h], which runs in theſe Terms: If any one, without firſt obtaining the Conſent of Parents, ſteal a Virgin againſt her Will, or carry her off by her own Conſent, hoping that her Conſent will protect him; he ſhall have no Benefit from ſuch Conſent, as the ancient Laws have determined; but the Vir-

[f] Conc. Gangren can. 16. [g] Ibid. can. 13, 14, 15.

[h] Cod. Theod. Lib. 9. Tit. 24. de Raptu Virginum & Viduar. Leg. 1. Si quis nihil cum Parentibus Puellæ ante depectus, invitam eam rapuerit, vel volentem abduxerit —— nihil ei ſecundum Jus Vetus proſit Puellæ reſponſio, ſed ipſa Puella potius ſocietate criminis obligetur, &c.

gin herſelf ſhall be held guilty, as Partaker in the Crime. If any Nurſe be Inſtrumental or Acceſſory to the Fact by her Perſuaſions, which often defeat the Parents Care, her deteſtable Service ſhall be revenged by pouring molten Lead into her Mouth, that miniſtred to ſuch wicked Counſels. If the Virgin be detected to have given her Conſent, ſhe ſhall be puniſhed with the ſame Severity as the Raptor himſelf: Seeing ſhe that is ſtol'n away againſt her Will, is not ſuffered to go unpuniſhed; becauſe ſhe might have kept herſelf at home; or if ſhe was taken by Violence out of her Fathers Houſe, ſhe ſhould have cried out for help to the Neighbourhood, and uſed all Means poſſible to defend herſelf. But on ſuch we impoſe only a lighter Puniſhment, denying them the Right of ſucceeding to their Fathers Inheritance. But the Raptor himſelf, being clearly convicted, ſhall have no Benefit of Appeal. If Parents, who are chiefly concerned to proſecute this Crime, connive at it, they ſhall be baniſhed. All who are Partners or Aſſiſtants to the Raptor, ſhall be liable to the ſame Puniſhment without Diſtinction of Sex. And if any ſuch be Slaves, they ſhall be burnt alive. This Law of *Conſtantine*'s is confirmed by another Law of his Son *Conſtans*: Only with this Difference [*i*], That whereas *Conſtantine*'s Law ordered the Criminals to be burnt alive, or thrown to the wild Beaſts, as *Gothofred* interprets it; this of

[*i*] Cod. Theod. ibid. Leg. 2. Quamvis Legis prioris extet auctoritas, qua inclitus Pater noſter contra Raptores atrociſſime juſſerat vindicari, tamen nos tantummodo Capitalem pœnam conſtituimus; Videlicet, ne ſub ſpecie atrocioris judicij aliqua in ulciſcendo crimine dilatio naſceretur. In audaciam vero ſervilem diſpari ſupplicio menſura Legum impendenda eſt, ut perurendi ſubjiciantur ignibus.

of *Conſtans* ſo far moderated the Puniſhment, as to let it be only a common Death, that it might more duly be put in Execution. Yet if any Slaves were concerned in aiding the Raptors in ſuch Attempts, they were ſtill to be burnt alive, according to the Tenor of the former Law. By another Law of *Valentinian* [*k*] and *Gratian*, Widows are not allowed to marry a Second Time without the Conſent of their Parents, if they were under the Age of Twenty-five Years, although they were *ſui juris*, and enjoyed the Liberty of Emancipation. And there are many other Laws in both the *Codes*, [*l*] to the ſame Purpoſe. The Eccleſiaſtical Laws in this concur with the Civil Law. St. *Auſtin* [*m*] ſays expreſsly, That Mothers as well as Fathers have this Right in their Children, to diſpoſe of them in Marriage, unleſs they be of that Age, which gives them Liberty to chuſe for themſelves. *Tertullian* ſays the ſame [*n*], That Children cannot lawfully marry without the Conſent of their earthly Parents. St. *Baſil* [*o*] in one of his Canons gives Directions, that they who ſtole Virgins ſhould be treated as Fornicators, that is, do Four Years Penance; and when the Virgins were reſtored to their Guardians, it was at their Diſcretion whether they

[*k*] Cod. Theod. Lib. 3. Tit. 7. de Nuptiis. Leg. 1. Viduæ intra 25. annum degentes, etiamſi Emancipationis libertate gaudeant, tamen in ſecundas nuptias non ſine Patris ſententia conveniant. [*l*] Vid. Cod. Theod. ibid. Leg. 3. Cod. Juſtin. Lib. 5. Tit. 4. de Nuptiis. Leg. 1, 2, 7, 20. Juſtin. Inſtit. Lib. 1. Tit. 10. de Nuptiis. [*m*] Aug. Ep. 233. ad Benenatum. Matris voluntatem in tradenda Filia omnibus, ut arbitror, Natura præponit, niſi eadem Puella in ea jam ætate fuerit, ut jure licentiori ſibi ipſi eligat quid velit. [*n*] Tertul. ad Uxor. Lib. 2. cap. 9. Nam nec in terris filij ſine Conſenſu Patrum rite & jure nubent. [*o*] Baſil. can. 22.

would give them in Marriage to the Raptors or not. In another Canon [p] he ſays, If Slaves marry without the Conſent of their Maſters, or Children without the Conſent of their Parents; 'tis not Matrimony, but Fornication, till they ratify it by their Conſent. Again [q], If Virgins, who are under the Power of their Parents, marry without their Conſent, they are to be treated as Harlots. If their Parents are afterward reconciled to them, and give their Conſent, yet they ſhall do three Years Penance for their firſt Tranſgreſſion. And again [r], If a Slave marry without the Conſent of her Maſter, ſhe differs nothing from an Harlot. For Contracts made without the Conſent of thoſe under whoſe Power they are, have no Validity, but are Null. And therefore though the Maſter afterward give his Conſent, and make the Marriage good, yet the firſt Fault ſhall be puniſhed as Fornication.

Sect. 3. *Nor Slaves without the Conſent of their Maſters.*

IT appears from two of theſe laſt-mentioned Canons, that Slaves were as much under the Power of their Maſters, as Children were under their Parents: And therefore it was equally a Crime for a Slave to marry without the Conſent of the Maſter, as for a Child to do it without Conſent of Parents. And for the ſame Reaſon a Slave was not allowed either to enter himſelf into a Monaſtery, or take Orders, without the Conſent of his Maſter, as has been ſhewed [*] in other Places, becauſe this was to deprive his Maſter of his legal Right of Service, which by the Original State and Condition of Slaves was his Due: And the

[p] Ibid. can 42. [q] Ibid. can. 38. Et ap. Matthæum. Monach. Reſponſ. Matrimon. in Jure Gr. Rom. Leunclavii. p. 500. [r] Baſil. can. 40. [*] Book IV. Chap. iv. n. 3. Book VII. Chap. iii. n. 2.

the Church would not be acceſſory to ſuch Frauds and Injuſtice, but rather diſcourage them by Prohibitions and ſuitable Penalties laid upon them.

Sect. 4. *The Puniſhment of Treaſon and Diſreſpect to Princes.*

ANOTHER Sort of Parents, whoſe Honour was intended to be ſecured by this Command, were the Political Parents, *Patres Patriæ*, Kings and Emperors, whoſe Authority and Majeſty was reputed ſacred and ſupreme next under GOD. And therefore all Diſloyalty and Diſreſpect ſhewed to them, either in Word or Action, was always ſeverely chaſtized by the Laws of the Church. I need not here ſuggeſt what Civil Penalties were inflicted by the Laws of the State upon Tranſgreſſors in this Kind, becauſe the ancient *Civil Codes* are full of them under ſeveral Titles, which the Learned Reader may conſult at his own Leiſure, ſuch as ſpeaking evil [*s*] of Dignities; Counterfeiting their [*t*] Letters; Corrupting or Counterfeiting their Coin [*u*]; Conſulting Augurs or Aſtrologers about the Term [*x*] of their Life, or uſing any Curious Arts to know who ſhould be their Succeſſor; Raiſing of Tumults [*y*] to the Diſturbance of the Publick Diſcipline; Conſpiring againſt their Lives [*z*] or Government; Bearing

[*s*] Cod. Theod. Lib. 9. Tit. 4. Si quis Imperatori maledixerit. Leg. 1. [*t*] Cod. Th. Lib. 9. Tit. 19. ad Legem Corneliam de Falſo. Leg. 3. [*u*] Ibid. Tit. 21. de Falſa Moneta. Tit. 22. Si quis ſolidi circulum inciderit, vel adulteratum ſubjecerit. Tit. 23. Si quis Pecunias conflaverit, &c.

[*x*] Cod. Theod. Lib. 9. Tit. 16 de Malefic. & Mathemat. Leg. 8. [*y*] Cod. Th. Lib. 9. Tit. 33. de iis qui Plebem audent contra Publicam colligere Diſciplinam. [*z*] Cod. Th. Lib 9. Tit. 5. ad Legem Juliam Majeſtatis. Tit. 6. Ne præter crimen Majeſtatis ſervus Dominum accuſet. Tit. 14 ad Legem Corneliam de ſicariis. Tit. 40. de Pœnis. Leg 15, 16, 17. Lib. 15. Tit. 14. de infirmandis his quæ ſub Tyrannis geſta ſunt.

Arms [*a*] without their Authority; and the like Crimes, which come under the general Names of Sedition, Treaſon, Conſpiracy and Rebellion, which were always excepted in thoſe general Indulgences [*b*] that the Emperors were wont to grant at *Eaſter* to other Criminals. I need not ſay farther, That the Contempt of the *Imperial Laws* was uſually reputed a Sort of Sacrilege [*c*] by the Laws themſelves, and puniſhed under that Title. That which I am chiefly concerned to remark here, is the Eccleſiaſtical Puniſhment of Diſloyalty and Treaſon, and all ſcandalous Contempt of Civil Government; againſt which Sort of Crimes, whether in Word or Deed, the Ancients ſhewed great Reſentment. For the firſt Three hundred Years they gloried greatly over the Heathens in this, That though the Emperors were Heathens, and ſome of them furious Perſecutors of the Chriſtians, yet there were never any ſeditious or diſloyal Perſons to be found among the perſecuted Chriſtians. You defame us, ſays *Tertullian* [*d*], with Treaſon againſt the Emperor, and yet never could any *Albinians*, *Nigrians*, or *Caſſians*, (Perſons that had taken Arms againſt the Emperors) be found among the Chriſtians. Such as thoſe, are they that ſwear by the Emperors *Genii*, that have offered Sacrifice for their Safety, that have often condemned Chriſtians; theſe are the Men that are found Enemies to the Emperors. A Chriſtian is no Man's Enemy, much leſs the Emperor's; knowing him

[*a*] Cod. Th. Lib. 15. Tit. 14. Ut armorum Uſus inſcio Principe interdictus ſit.

[*b*] Cod. Th. Lib 9. Tit. 38. de Indulgentiis Criminum.

[*c*] Cod. Th. Lib. 6. Tit. 5. Leg. 2. Sit plane ſacrilegij reus qui divina præcepta neglexerit. It. Tit. 24. de Domeſticis. Leg. 4. Et Tit. 35. de Privilegiis Militum Palatinor. Leg. 13. & paſſim alibi. [*d*] Tertul. ad Scapul. cap. 2.

him to be the Ordinance of GOD, he cannot but love, revere and honour him, and desire that he and the whole *Roman* Empire may be in Safety to the End of the World. We worship the Emperor as much as is either lawful or expedient, as one that is next to GOD; we sacrifice for his Safety, but it is only to his and our GOD; and in such Manner as He has commanded, only by holy Prayer. For the Great GOD needs no Blood or sweet Perfumes: These are the Banquets and Repast of Devils, whom we not only reject, but expel at every Turn. For this Reason, during this Interval, there was no need of Ecclesiastical Punishments to correct Traitors against the Civil Government, because there were no such among Christians. But when the whole World was become Christian, there was Occasion for such Laws to be made against Sedition and Treason. And then we find several Canons to prevent or correct it. The fourth Council of *Carthage* [*e*] forbids the Ordination of any seditious Persons, as those that would be a Scandal to the Profession. And this is repeated in the same Words by the Council [*f*] of *Agde*. The fourth Council of *Toledo* [*g*] orders all Clergymen that took Arms in any Sedition, to be degraded from their Order, and to be confined to a Monastery, to do Penance there all their Lives. The fifth Council of *Toledo* [*h*] mentions an Oath of Allegiance, which in a for-

[*e*] Conc. Carth. 4. can. 67. Seditionarios nunquam ordinandos Clericos, sicut nec Usurarios, nec injuriarum suarum ultores. [*f*] Conc. Agathen. c. 69. [*g*] Conc. Tolet. 4. can. 44. Clerici qui in quacunque seditione arma volentes sumpserint, aut sumpserunt, reperti, amisso Ordinis sui Gradu, in Monasterium contradantur Pœnitentiæ. [*h*] Conc. Tolet. 5. can. 2. Sit anathema in Christianorum omnium cœtu, atque superno condemnetur Judicio: Sit exprobrabilis omnibus Catholicis, & abominabilis sanctis Angelis in ministerio Dei constitutis: sit in hoc sæculo perditus, & in futuro condemnatus, qui tam rectæ Provisioni noluit præbere Consensum.

mer general Council of all *Spain* was appointed to be taken by all the Subjects to the King and his Heirs: And a moſt ſevere *Anathema* is pronounced againſt all that ſhould violate any Part of it. Particularly they excommunicate and anathematize all that ſhould pretend to uſurp the Throne [*i*] without the Conſent of the Nobility and the whole *Gothick* Nation; all that ſhould make any Curious [*k*] and Unlawful Enquiries about the fatal Period of the Life of the Prince; all that ſhould ſpeak evil of him: For it is written, *Thou ſhalt not ſpeak evil of the Ruler of thy People.* If Railers ſhall not inherit [*l*] the Kingdom of GOD, how much rather ought ſuch Contemners of the Divine Law, to be caſt out of the Church? Finally, they made an Order [*m*], That in every Council held in *Spain*, this Decree concerning Allegiance due to Princes ſhould be read, when all other Things were done, to the End that no one might be unmindful of his Duty and Obligations to the Sovereign Power. And accordingly, we find the ſame Decree repeated and confirmed in ſeveral other [*n*] Councils of that Nation.

Sect. 5. *Of Contemners of the Laws of the Church.*

THE laſt Sort of Parents to whom Honour and Obedience is due, are the ſpiritual Parents, or Governors of the Church; the Contempt of whoſe Laws and Rules made for the good Government, Order, and Edification of the Church, was always thought a Matter worthy of Eccleſiaſtical Cenſure. There are innumerable Inſtances of this in the Acts and Canons of the ancient Councils: I ſhall content myſelf with relating two or three which concern Matters purely of

[*i*] Ibid. can. 3. [*k*] Ibid. can. 4. [*l*] Ibid. can. 5. [*m*] Ibid. can. 7. [*n*] Conc. Tolet. 6. can. 17, & 18 Tolet. 12. can. 1. Tolet. 10. can. 2.

of Eccleſiaſtical Obſervation. The Council of *Antioch* [o] excommunicates all thoſe who pertinaciouſly oppoſe the Rule made about *Eaſter* in the Council of *Nice*. The firſt Council of *Carthage* [p] more generally cenſures all Oppoſers of Eccleſiaſtical Orders: If any one viciouſly tranſgreſs or contemn the Decrees of the Church; if he be a Layman, let him be excommunicated; if a Clergyman, let him be deprived of the Honour of his Order. The Council of *Epone* in like Manner [q] concludes her Decrees with this Sanction: If any one diſorderly tranſgreſs the Rules and Obſervations, which the holy Biſhops have made in this preſent Council, and confirmed with their Subſcriptions, let him know that he ſhall be liable to the Judgment both of GOD and the Church. The fourth Council of *Toledo* [r] orders ſuch as reject the Uſe of the Hymns and Prayers appointed by the Church, to be puniſhed with Excommunication. And King *Reccaredus* in the third Council of *Toledo* [s], beſides Excommunication, orders a Civil Penalty of Confiſcation and Baniſhment to be inflicted on ſuch as proudly contemned the Rules then made in Council, and refuſed to yield Obedience to them. And Laws of the ſame Import occur every where both in the Civil and Eccleſiaſtical

[o] Conc. Antioch. can. 1. [p] Conc. Carth. 1. can. 14. Si quis Statuta ſupergreſſus corruperit, vel pro nihilo habenda putaverit, ſi Laicus eſt, Communione: Si Clericus eſt, Honore privetur. [q] Conc. Epaunenſ. can. 40. Si quis ſanctorum Antiſtitum qui Statuta præſentia ſubſcriptionibus propriis firmaverunt, relicta integritate, Obſervationes exceſſerit, reum ſe Divinitatis pariter & Fraternitatis Judicio futurum eſſe cognoſcat. [r] Conc. Tolet. 4. can. 12. Sicut Orationes, ita & Hymnos in laudem Dei compoſitos, nullus noſtrum ulterius improbet, ſed pari modo in Gallicia Hiſpaniaque celebrent, excommunicatione plectendi, qui Hymnos rejicere fuerint auſi. [s] Edict. Reccaredi ad calcem Conc 3. Toletani.

astical *Codes*, so that I need not trouble the Learned Reader with any more of them, having suggested these few as a Specimen of that Obedience which was required to be paid to the Laws and Authority of the Church under the Penalty of Excommunication.

CHAP. X.

Of great Transgressions against the Sixth Commandment, Murder, Manslaughter, Parricide, Self-Murder, Dismembring the Body, Causing Abortion, &c.

Sect. 1. *Murder ever reckoned a Capital and unpardonable Crime by the Laws of the State.*

WE are now come to the great Sin of Murder, which the Civil Laws always reckon among those called, *Atrocia Delicta*, and *Atrocissima Crimina*, those Heinous and Capital Crimes, for which they neither allowed Pardon nor Appeal after clear Conviction. This Crime was always excepted in those Indulgences [*a*] or general Pardons which the Emperors granted to Criminals upon the Account of their Childrens Birth-days, or the annual Returns of the *Easter*-Festival, or any the like Occasion. And whereas many other Criminals were allowed the Benefit of appealing, this was wholly denied [*b*] to

[*a*] Cod. Theod. Lib. 9. Tit. 38. de Indulgentiis Criminum. Leg. 1, 3, 4, 6, 7, 8. [*b*] Cod. Th. Lib. 11. Tit. 36. Quorum Appellationes non recipiendæ. Leg. 1. Cum Homicidam, vel Maleficum, vel Veneficum (quæ atrocissima Crimina sunt) confessio propria, &c. detexerit, Provocationes suscipi non oportet. It. Leg. 7. ibid.

to Murderers; nor might any ſuch Criminals anciently pretend to ſhelter themſelves by taking Sanctuary in the Church; which is expreſsly provided by a Law of *Juſtinian* [e], determining who may or may not take Refuge in the Church; where among thoſe to whom this Privilege is deny'd, Murderers, Adulterers, and Raviſhers of Virgins are particularly recounted.

Sect. 2. *How puniſhed by the Laws of the Church.*

By the moſt ancient Laws of ſome Churches, Murderers ſeem to have been ſubjected to a perpetual Penance all their Lives, and by ſome deny'd Communion even at the Hour of Death. *Tertullian* [d] ſays plainly that neither Idolaters nor Murderers were admitted to the Peace of the Church. And that he means not here, by the Church, his own Sect of the *Montaniſts*, but the Catholick Churches, is concluded by Learned [e] Men from hence, That he is arguing with the *Catholicks*, that they ought to deny Adulterers the Peace of the Church, by the ſame Reaſon and Rule that they deny'd it to Idolaters and Murderers. Which implies at leaſt that ſome Catholick Churches in *Africk* refuſed to admit Murderers to Communion. Which is the more probable from what *Cyprian* ſays of ſome of his Predeceſſors, That they were uſed to deny Fornicators and Adulterers [f] the Peace of the Church, though they did not upon this break Communion with

[c] Juſtin. Novel. 17. cap. 7. [d] Tertul. de Pudicit. cap. 12. Neque Idololatriæ neque ſanguini Pax ab Eccleſiis redditur. [e] Vid. Albaſpin. Obſervat. Lib. 2. c. 15. p. 123. [f] Cypr. Ep. 52. al. 55. ad Antonian. p. 110. Apud Anteceſſores noſtros quidam de Epiſcopis iſtic in Provincia noſtra dandam Pacem mœchis non putaverunt, & in totum pœnitentiæ locum contra Adulteria clauſerunt, &c.

with others that admitted them. Now Murder being as great a Crime as Adultery, it is likely they rejected Murderers as well as Adulterers utterly from their Communion. In the following Ages the Term of their Penance was a little moderated. For the Council of *Ancyra* [g] obliges them only to do Penance all their Lives, and allows them to be received at the Hour of Death. Other Canons reduce their Penance to a certain Term of Years. St. *Basil* [h] appoints the wilful Murderer Twenty Years Penance; four Years as a Mourner; five Years as an Hearer; seven Years as a Prostrator; four Years as a Co-stander only, to hear the Prayers without receiving the Communion.

Sect. 3. *The Heinousness of Murder when joined with other Crimes, such as Idolatry, Adultery, and magical Practices.*

YET in some Cases the Discipline continued still to be more severe against Murder, when it happened to be complicated with other great Crimes, such as Idolatry, Adultery, and the Practice of magical and diabolical Arts against the Lives of Men: Because these were great Aggravations to inflame the Account of Murder. Thus in the Council of *Eliberis* [i], If any Christian took upon him the Office of an Heathen *Flamen*, and therein sacrificed and committed Adultery and Murder; (which might be done either directly, by a personal Commission of those Crimes; or indirectly by exhibiting the Games and Shews, wherein Adultery and Murder were

[g] Conc. Ancyr. can. 22. It. Conc. Epaunens. can. 31.

[h] Basil. can. 56. [i] Conc. Eliber. can. 2. Flamines qui post fidem Lavacri & Regenerationis sacrificaverunt: Eo quod geminaverint scelera, accedente Homicidio, vel triplicaverint facinus. cohærente Mœchia, placuit eos nec in fine accipere Communionem.

were committed by their Authority and Concurrence;) in a ſuch a Caſe he was to be deny'd Communion even at the Hour of Death, becauſe he had doubled and tripled his Crime, as the Canon words it. So again if any one uſed *Pharmacy* or Magical Art [*k*] to kill another, he was not to be received into Communion even at the Hour of Death, becauſe here was a Conjunction of Idolatry with Murder. In like manner another Canon [*l*] of the ſame Council orders, That if a Woman conceive by Adultery in the Abſence of her Husband, and after that murder her Child, ſhe ſhall be rejected to the very laſt, becauſe ſhe has doubled her Crime. But the Council of *Ancyra* is a little more favourable in the Caſe of ſimple Fornication joined with Murder. For it is there obſerved [*m*], That if a Woman committed Fornication, and murdered her Infant, or cauſed Abortion, ſhe ſhould only do ten Years Penance, tho' by former Canons ſhe was obliged to do Penance all her Life. The Council of *Lerida* [*n*] appoints ſeven Years Penance for common Murder; but if it be done by Sorcery, then it was Penance for the whole Life.

AND

[*k*] Conc. Eliber. can. 6. Si quis Maleficio interficiat alterum, eo quod ſine Idololatria perficere Scelus non potuit, nec in fine impertiendam eſſe illi Communionem. [*l*] Ibid. can. 63. Si qua per adulterum, abſente marito, conceperit, idque poſt facinus occiderit, placuit neque in fine dandam eſſe Communionem, eo quod geminaverit Scelus. [*m*] Conc. Ancyr. can. 21.

[*n*] Conc. Ilerden. can. 2. Ipſis autem Veneficis in Exitu tantum Communio tribuatur.

Sect. 4. *Causing of Abortion condemned and punished as Murder.*

AND here we may observe, That Causing of Abortion was esteemed one Species of Murder, and accordingly punished as such, when wilfully procured. So it is determined not only in the forementioned Canon of *Ancyra*, but in the Canons of St. *Basil* [o]. Let her that procures Abortion, undergo ten Years Penance, whether the *Embryo* be perfectly formed or not. So again, They are Murderers who take Medicines to procure Abortion. And so the Council of *Trullo* [p]: They who give Medicines to cause Abortion, and they who take pernicious Physick to destroy the *Embryo* in the Womb, are to undergo the Penance of Murderers. The Council of *Lerida* puts those who destroy the Conception in the Womb, by certain Potions [q], into the same Class with those that kill Infants after they are born; and appoints a Course of seven Years Penance, for both Sorts, as joining Murder to Adultery. The private Writers among the Ancients with one Consent declare this to be Murder. In the Prohibition of Murder, says *Tertullian* [r], We are forbidden to destroy the Conception in the Womb, whilst the Blood is in its first Formation of an human Body. To hinder that which

[o] Basil. can. 2 & 8. [p] Conc. Trull. can. 91.

[q] Conc. Ilerden. can. 2. Hi vero qui male conceptos ex adulterio fœtus, vel editos necare studuerint, vel in uteris matrum Potionibus aliquibus collisserint, in utroque sexu adulteris, post septem annorum curricula Communio tribuatur.

[r] Tertul. Apol. cap. 9. Nobis Homicidio semel interdicto, etiam conceptum utero, dum adhuc sanguis in hominem delibatur, dissolvere non licet. Homicidij festinatio est, prohibere nasci: Nec refert natam quis eripiat animam, an nascentem disturbet: Homo est, & qui est futurus, & fructus omnis jam in semine est.

which might be born, is but an Anticipation or Haſtening of Murder: And it is all one, whether a Man deſtroy that Life which is already born, or diſturb that which is preparing to be born. He is a Man, who is in a Diſpoſition to be a Man, and all Fruit is now in its Seed or Principle of Exiſtence. This he ſays in Anſwer to the Heathen Objection, who charged the Chriſtians with feaſting upon the Blood of an Infant in their ſacred Myſteries. *Minucius* [s] inverts the Charge upon the Heathen, telling them, it was their own Practice by medicated Potions to deſtroy Man, that would be, in his firſt Original, and for Mothers to commit Parricide before they brought forth. But as for Chriſtians, ſays *Athenagoras*, writing in their Behalf [t], How ſhould they be guilty of murdering Men, who declare, That Mothers who uſe Medicines to cauſe Abortion, are Murderers, and muſt give Account of their Wickedneſs unto GOD. St. *Jerom* [u] calls this Crime in Women, drinking of Barrenneſs, and murdering of Infants before they were born. And it was a Crime which the old *Roman* Law [x] puniſhed with Baniſhment, and ſometimes with Death [y]: As *Tryphonius* the Lawyer

[s] Minuc. p. 91. Sunt quæ in ipſis viſceribus medicaminibus epotis originem futuri nominis (leg. hominis) extinguant, & Parricidium faciant, antequam pariant. Vid. Cypr. Ep. 49. al. 52. ad Cornel. p. 97. de Parricidio Novati.

[t] Athenag. Legat. p. 38. [u] Hieron. Ep. 22. ad Euſtoch. de Virginit. cap. 5. Aliæ præbibunt ſterilitatem, & necdum ſati Homicidium faciunt. [x] Digeſt. Lib. 48. Tit. 8. ad Legem Corneliam de ſicariis. Leg. 8. Si mulierem viſceribus ſuis vim intuliſſe, quo partum abigeret, conſtiterit: Eam in exilium Præſes Provinciæ exiget. It. Lib. 47. Tit. 11. de Extraordinar. Criminibus. Leg. 4. [y] Digeſt. Lib. 48. Tit. 19. Leg. 39. Cicero in Oratione pro Cluentio ſcripſit, mulierem quod ab heredibus ſecundis accepta pecunia Partum ſibi medicamentis ipſa abegiſſet, rei capitalis eſſe damnatam.

yer obſerves out of *Tully*; though *Tertullian* complains that theſe Laws were very much neglected and contemned. However we ſee in the Chriſtian Church this Sort of Murder was reckoned a very heinous Crime by all Writers, and puniſhed with great Severity by the Canons againſt wilful Murder in the Church.

Sect. 5. *The Puniſhment of* Parricide.

INDEED, this Sort of Murder was one Species of *Parricide*, which included not only the Murder of Parents, but of Children, and other Relations, to whom Men were bound by natural Affection. And this had a noted and peculiar Puniſhment among the old *Romans*, which was to tye up the *Parricide* in a Sack with a Serpent, an Ape, a Cock and a Dog, and throw them all alive into the Sea; of which *Gothofred* will furniſh the Curious Reader with great Variety of Inſtances out of the old *Roman* Laws and Writers. The *Lex Pompeia* changed this Puniſhment into that of the Sword, or Burning, or throwing to Wild Beaſts. But *Conſtantine* reduced the ancient Puniſhment; and from his Law [z], which I ſhall tranſcribe, we may take the Account and Deſcription of it. "If any one "haſten the Fate of his Parent, or Son, or any "the like Relation, which goes under the Name of "*Parricide*, whether he attempt it privately or pub-"lickly,

[z] Cod. Theod. Lib. 9. Tit. 15. de Parricidio. Leg. 1. Si quis in Parentis, aut Filii, aut omnino Affectionis ejus, quæ nuncupatione Parricidii continetur, Fata properaverit, ſive clàm ſive palam id fuerit eniſus, neque Gladio, neque Ignibus, neque ulla alia pœna ſollemni ſubjugetur, ſed inſutus Culleo, & inter ejus ferales anguſtias comprehenſus, ſerpentum contuberniis miſceatur: Et ut Regionis qualitas tulerit, vel in vicinum mare, vel in amnem projiciatur: Ut omni Elementorum uſu vivus carere incipiat; ut ei Cœlum ſuperſtiti, Terra mortuo auferatur. Vid. Gothofred. in Loc.

" lickly, he ſhall not be puniſhed with the Sword, " or with Fire, or with any other common Death, " but be ſowed up in a Sack with Serpents and other " Beaſts, and be caſt into the Sea or a River, as the " Nature of the Place will admit: That he may " be deprived of the Uſe of all the Elements as " long as he remains in Being; that he may have " neither Air to breath in whilſt he lives, nor Earth " to receive him when he is dead." This was the Puniſhment of ſuch as ſlew Father or Mother, or Son or Daughter, or any ſuch Relation in the direct Line: But if it was any other Relation, then only the common Death of Murderers was inflicted on them, as we learn from *Juſtinian*'s *Inſtitutes* [a] and his *Code*, where this Matter is determined. Now the Church having no Power of the Sword, could make no ſuch Diſtinction; but puniſhed both Sorts in the ſame Way, with the ſpiritual Cenſure of Excommunication.

Sect. 6. *Of Self-Murder.*

AND ſo ſhe treated all thoſe who laid violent Hands upon themſelves, who were known by the common Name of *Biathanati*, or Self-Murderers. Becauſe this was a Crime that could have no Penance impoſed upon it, ſhe ſhewed her juſt Reſentment of the Fact, by denying the Criminals the Honour and Solemnity of a Chriſtian Burial, and letting them lie excommunicate and deprived of all Memorial in her Prayers after Death. If any one, ſays the firſt Council of *Braga* [b],

[a] Juſtin. Inſtitut. Lib. 4. Tit. 18. De Publicis Judiciis. Si quis autem alias Cognatione vel Adfinitate Perſonas conjunctas necaverit, pœnam Legis Corneliæ de ſicariis ſuſtinebit. Vid. Cod. Juſtin. Lib. 9. Tit. 17. De his qui Parentes vel Liberos occiderunt. Leg. 1. [b] Conc. Bracar. 1. can. 34. Placuit, ut hi qui aut per ferrum, aut per venenum, aut per præcipitium,

bring himſelf to a violent End, either by Sword, or Poyſon, or a Precipice, or an Halter, or any other Way, no Commemoration ſhall be made of him in the Oblation, nor ſhall his Body be carry'd to the Grave with the uſual Pſalmody. And they who ſuffer Death for their Crimes, ſhall be treated after the ſame manner. The Reaſon of treating both theſe Sorts of Men in this manner, was becauſe they were acceſſory to their own Deaths; either directly by offering Violence to their own Lives; or indirectly, by committing ſuch Capital Crimes as brought them in the Courſe of Juſtice to an untimely End. Both the *Greeks* and *Latins* ſtyle them *Biothanati*, or *Biathanati*, from offering Violence to themſelves, or coming to a violent Death. And *Caſſian* particularly notes the Diſcipline of the Church [c], then uſed toward ſuch after Death, ſpeaking of the Caſe of one *Hero*, an *Egyptian* Monk, whom Satan under the Diſguiſe of a good Angel had tempted to throw himſelf into a deep Well, upon Preſumption that no Harm could befall him for the great Merit of his Labours and Vertues: For which Fact, he ſays, *Paſuntius* the Abbot could hardly be prevailed upon not to reckon him among the *Biothanati*, or Self-Murderers, and deny him the Privilege of being mentioned in the Oblation for thoſe that were at Reſt in the LORD. Which is ſufficient to ſhew us the manner of treating ſuch in the ancient Diſcipline of the Church.

IT

præcipitium, aut ſuſpendium, aut quolibet modo violentam ſibi ipſis inferunt mortem, nulla pro illis in Oblatione Commemoratio fiat, neque cum Pſalmis ad Sepulturam eorum corpora deducantur. —— Similiter & de his placuit fieri, qui pro ſuis Sceleribus puniuntur.

[c] Caſſian. Collat. 2. cap. 5. Vix a Presbytero Abate Paſuntio potuit obtineri, ut non inter Biothanatos reputatus, etiam Memoria & Oblatione Paſuantium judicaretur indignus.

Sect. 7. *Of Diſmembring the Body.*

IT was alſo reckoned a Species or lower Degree of this Crime, for any one to diſfigure his own Body, by cutting off any Member or Part thereof, without juſt Reaſon to ingage him ſo to do. The Canons forbad any ſuch to be ordained, as Men who were in Effect Self-Murderers [*d*] and Enemies of the Workmanſhip of GOD, as has been ſhewed at large [*] in another Place. What is farther to be noted here, is, That this Diſcipline extended to Laymen as well as Clergymen. For one of the *Apoſtolical Canons* [*e*] orders, That a Layman who diſmembers himſelf, ſhall be debarred the Communion for three Years, becauſe he inſidiouſly makes an Attempt upon his own Life. But if Men were either born with a natural Defect, or the Barbarity of the Perſecutors, or the Neceſſity of a Diſeaſe deprived them of any Member, in order to effect the Cure of the Body, and ſave the whole; in all theſe Caſes there was no Crime, becauſe the Thing was involuntary; in which Caſes the Law itſelf made an Exception, and freed Men from incurring the Cenſures [*f*] of the Church, as may be ſeen in the *Nicene* Canons, which particularly mention theſe as excepted Caſes. I only obſerve one Thing farther out of the Laws of *Conſtantine*, That he had ſo great a Regard to the Face, as the Image of the Divine MAJESTY in all humane Bodies whatſoever, that he would not ſuffer any Mark of Infamy to be ſet upon it, to ſtigmatize the greateſt Criminals. For whereas by the old *Roman* Laws notorious Criminals might be branded in the Forehead, to make

[*d*] Vid. Canon. Apoſt. c. 21. Conc. Nic. can. 1.

[*] Book IV. Chap. iii. n. 9. [*e*] Canon. Apoſt. 23. al. 24. Λαικὸς ἑαυτὸν ἀκρωτηριάσας, ἀφοριζέσθω ἔτη τρία. ἐπίβουλος γάρ ἐστιν τῆς ἑαυτοῦ ζωῆς. [*f*] Conc. Nicen. can. 1.

their Offences more infamous and publick: *Conſtantine* by one of his firſt Laws cancell'd and revok'd this Cuſtom [*g*], ordering, That whatever Criminal was condemned either to fight with Wild Beaſts, or to dig in the Mines, he ſhould not be ſtigmatized in the Face, but only in the Hands or Legs; that the Face, which was formed after the Image of the Divine MAJESTY and Beauty, might not be disfigured. Which certainly was intended piouſly by *Conſtantine*, as a juſt Caution to reſtrain Men from offering Violence to their own Bodies, which were created after the Image and Similitude of GOD in ſome Meaſure, though that Likeneſs was more viſibly ſeen in the Original Perfections of the Soul.

Sect. 8. *Of involuntary Murder by Chance, or Man-Slaughter.*

ALL theſe Caſes reſpect ſuch Actions as have ſome Tendency toward voluntary Murder. Beſides which the Church allotted ſometimes a proportionable Puniſhment to accidental and involuntary Murder, though the *Civil Law* took little or no Notice of it. For by the old *Roman* and Chriſtian Laws, a Maſter was allowed to puniſh and correct his Slave with great Severity: And if in that Correction the Slave chanced to die, no Action of Murder could be brought [*h*] againſt the Maſter, unleſs it appeared that he uſed ſome Weapon, or Fraud in his Puniſhment, that tended directly to kill him. But notwithſtanding this,

[*g*] Cod. Theod. Lib. 9. Tit. 40. De Pœnis. Leg. 2. Si quis in Ludum fuerit, vel in Metallum, pro criminum deprehenſorum qualitate, damnatus, minime in ejus Facie ſcribatur: dum & in manibus & in ſuris poſſit pœna damnationis una ſubſcriptione comprehendi: Quo Facies, quæ ad ſimilitudinem pulchritudinis cœleſtis eſt figurata, minime maculetur.

[*h*] Vid. Cod. Theod. Lib. 9. Tit. 12. De Emendatione ſervorum. Leg. 1, & 2. Conſtantini.

this, the *Eccleſiaſtical Law*, having a more tender Regard even to the Life of Slaves, took Cognizance of ſuch Cruelties, and obliged the Actors to a certain Term of Penance, though the Murder was only caſual, and not directly intended. To this Purpoſe it is decreed in the Council of *Eliberis* [*i*], That if any Miſtreſs in the Heat of her Anger ſo ſcourge her Slave, that the Slave die within three Days; whereas it might be uncertain whether it was a Voluntary, or a Chance-Murder; if it was a Voluntary Murder, ſhe was to do Penance Seven Years; if caſual, only Five Years: And all the Favour that was allowed in this Caſe, was, That if Sickneſs ſeized her, ſhe might be admitted to Communion ſooner. We find a like Decree in the Diſcipline of the *French* Church, made by the Council of *Epone*, *An.* 517, That if any one put his Slave to Death [*k*] without a legal Tryal before the Judge, he ſhould expiate his Murder by Excommunication for Two Years. And it is remarked of *Cæſarius Arelatenſis* by the Author [*l*] of his Life, That he was uſed to proteſt to the Prefects of the Church, who had then Power to inflict corporal Puniſhment, That if they ſcourged any one to an immoderate Degree, ſo as that he died under his Stripes, they ſhould be held guilty of Murder. Nay, ſo tender was the Church in this Point of ſhedding

[*i*] Conc. Eliber. can. 5. Si qua Domina furore zeli accenſa, flagris verberaverit ancillam ſuam, ita ut intra tertium diem animam cum cruciatu effundat; eo quod incertum ſit, Voluntate, an Caſu occiderit; ſi Voluntate, poſt ſeptem annos; ſi Caſu, poſt quinquennii tempora, acta Legitima Pœnitentia ad Communionem placuit admitti, &c. [*k*] Conc Epaunen. can. 34. Si quis ſervum proprium ſine conſcientia Judicis occiderit, excommunicatione biennii effuſionem ſanguinis expiabit. [*l*] Cypr. Vit. Cæſar. Arelat. Conteſtabatur Eccleſiæ Præfectos, ſi quis juberet quempiam diutius flagellari, & illa verbera illi mortem afferrent, ut is Homicidii reum ſe ſciret.

Man's Blood, that ſhe would not ordinarily allow any Soldier to be ordained to any ſacred Office of Presbyter or Deacon; nor ſuffer her Biſhops to ſit as Judges in Capital Cauſes, where they might be concerned to give Sentence in Caſes of Blood; as I have had Occaſion to ſhew more at large in their proper Places [*], to which I refer the Reader. Among the *Apoſtolical Canons*, there is one that orders, That if any Clergyman [*m*] in a Brawl or Scuffle ſmite another, ſo as to kill him, though it were by the firſt Blow, he ſhall be depoſed; if a Layman, he ſhall be caſt out of Communion. And St. *Baſil*'s Canons [*n*] impoſe Eleven Years Penance upon all voluntary Murderers whatſoever.

Sect. 9. *Falſe-Witneſs againſt any Man's Life reputed Murder.*

NEITHER was it only actual Murder which they thus cenſured, but all Actions that had any direct or immediate Tendency towards it; as, Bearing Falſe-Witneſs againſt a Man's Life. For, as *Lactantius* [*o*] well expreſſes it, there is no Difference between killing a Man with the Sword or with the Tongue: It is Murder ſtill in either Species, and a Violation of GOD's Law againſt invading the Life of Man, which admits of no Exception. And therefore the *Civil* [*p*] *Law* appointed the Puniſhment of Retaliation to be inflicted on every falſe Accuſer, That if

[*] Book IV. Chap. iv, n. 1. And Book II. Chap. vii. n. 4.

[*m*] Canon. Apoſt. 66. [*n*] Baſil. can. 57. [*o*] Lact. Lib. 6. cap. 20. Nihil diſtat, utrum ferro, an verbo potius occidas, quoniam occiſio ipſa prohibetur, &c.

[*p*] Cod. Theod. Lib. 9. Tit. 1. De Accuſationibus. Leg. 11. Qui alterius Famam, Fortunas, Caput denique & ſanguinem in Judicium devocaverit, ſciat ſibi impendere congruam pœnam, ſi quod intenderit non probaverit.

It. Leg. 19. Ibid. Nec impunitam fore noverit licentiam mentiendi, cum calumniantes ad vindictam poſcat ſimilitudo ſupplicii.

if any one called another Man's Credit, or Fortune, or Life, or Blood, into Queſtion in Judgment, and could not make out the Crime alledged againſt him, he ſhould ſuffer the ſame Penalty that he intended to bring upon the other. And no one could formally implead another at Law, till he had bound himſelf to this Condition, which the Law [q] terms *Vinculum Inſcriptionis*, the Bond of Inſcription. Now though the *Eccleſiaſtical Law* could not inflict the Puniſhment of Retaliation for falſe-Witneſs againſt any Man's Life; yet all falſe-Teſtimony being a Crime puniſhable with Excommunication; (as we ſhall ſee more fully under the Puniſhment of Sins againſt the ninth Commandment;) we may be ſure, ſuch falſe-Teſtimony as tended directly to deprive Men of their Lives, muſt be reputed by the Church among the higheſt Species both of Calumny and Murder; and conſequently bring them under all the Penalties that were due to thoſe Crimes in any Degree whatſoever. *Vid. Conc. Eliber. Can.* 74.

Sect 10. *Informers againſt the Brethren in Time of Perſecution treated as Murderers.*

YEA, a bare Information, or Diſcovery of the Names of the Brethren to the Heathen Magiſtrates, for as much as That in Times of Difficulty and Perſecution might endanger their Lives, was juſtly reputed and cenſured as Murder likewiſe. The firſt Council of *Arles* [r] orders, that if

[q] Ibid. Leg. 14. Non prius cujuſcunque Caput accuſatione pulſet, quam vinculo Legis adſtrictus, pari cœperit pœnæ conditione jurgare, &c.

Et Leg. 19. Vinculum Inſcriptionis accipiat, &c. Vid. Leonis. Novel. 77. [r] Conc. Arelat. 1. can. 13. De his qui Scripturas ſanctas tradidiſſe dicuntur, vel Vaſa Dominica, vel nomina fratrum ſuorum, placuit nobis, ut quicunque eorum in Actis publicis fuerit detectus, non verbis nudis, ab ordine Cleri amoveatur.

any ſuch Informers were found among the Clergy, and convicted from the publick Acts, that they had betray'd either the Holy Scriptures, or the ſacred Utenſils, or the Names of their Brethren to the Heathen, they ſhould be degraded from their Orders. And the Council of *Eliberis* goes [*s*] a little farther, and determines, That if any Chriſtian informed againſt his Brethren, ſo as that any one was proſcribed or ſlain upon his Information, he ſhould not be received into Communion at the laſt, or not till his laſt Hour, as different Copies read it.

Sect. 11. *Expoſing of Infants reputed Murder.*

ANOTHER Sort of interpretative Murder, was, the expoſing of Infants, againſt which the Ancients commonly declaim with great Vehemency in the Practice of the Heathen. You accuſe us, ſays *Tertullian*, of murdering Infants; but let me turn to your People, and appeal to their Conſciences, and then how many may I find among thoſe that ſtand about us, and thirſt after Chriſtian Blood; nay, among thoſe juſt and ſevere Judges that condemn us, who kill their Children as ſoon as they are born, or elſe expoſe [*t*] them to Cold, and Famine, and Dogs? You expoſe your Children to the Mercy of Strangers, and the next Comers that will take Pity on them, and adopt them more kindly for their own Children. The ſame Charge is brought againſt them by *Minucius Felix* [*u*], That they expoſed their Children,

[*s*] Conc. Eliber. can. 73. Delator ſi quis extiterit fidelis, & per Delationem ejus aliquis fuerit proſcriptus vel interfectus, placuit eum nec in fine (al. non niſi in fine) accipere communionem.

It. can. 74. Falſus teſtis, prout crimen eſt, abſtinebit: Si tamen non fuerit mortis quod objecit, &c. [*t*] Tertul. Apol. cap. 9. Aut Frigori, aut Fami, aut Canibus exponitis, &c. Vid. Tertul. ad Nationes. Lib. 1. cap. 16. [*u*] Minuc. p. 90.

Children, as ſoon as they were born, to Wild Beaſts and Birds of Prey. *Athenagoras* ſays [x] expreſsly, All ſuch are Parricides or Murderers of their Children. And *Lactantius* [z] a little more largely inveighs againſt them upon the ſame Foundation. They pretended, he ſays, by a Sort of falſe Piety, to expoſe them only to keep them from ſtarving, becauſe they were Poor and not able to maintain them. But they cannot be deemed innocent, who caſt their own Bowels as a Prey to Dogs, and as much as in them lies, kill them more cruelly than if they ſtrangled them. Who can queſtion the Impiety of him, who leaves no Room for others to ſhew Mercy? But admit that he attains his End, which he pretends, that his Child is thereby nouriſhed and brought up; yet doubtleſs he condemns his own Blood either to Slavery or the Stews; of which there were many Examples in both Sexes. Therefore he concludes, that for Men to expoſe their Children, was the ſame baſe and villainous Action as to kill them. And whereas Men where apt to complain of their Poverty, and pretend they were not able to bring up many Children: He not only anſwers this from Conſiderations of Providence, in whoſe Power the Fortunes and Poſſeſſions of all Men are, to make rich Men poor, and poor Men rich; but is alſo thought by his prudent Advice to have induced *Conſtantine* to enact thoſe two excellent and charitable Laws, ſtill extant in the *Theodoſian* [a] *Code*, whereby it is provided by his great Munificence in ſeveral Parts of the Empire, that poor Parents who had numerous Families, which they could not main-

[x] Athen. Legat. pro Chriſtian. p. 38. [y] Lact. Lib. 6. cap. 20. [a] Cod. Th. Lib. 11. Tit. 27. de Alimentis, &c. Leg. 1 & 2.

maintain, ſhould have Relief out of the publick Revenues of the Empire; that they might be under no Temptation either to expoſe, or kill, or ſell, or oppignorate and enſlave their Children; of which there had been ſo great Complaints under the former Reigns of Heatheniſm. *Conſtantine* [b] and *Honorius* added two other Laws to theſe, in Favour of ſuch as took Care of expoſed Children, that Parents ſhould have no Right to claim them again, nor accuſe thoſe of Theft or *Plagiary*, who ſhewed Mercy on thoſe whom they expoſed to Death, and by their Neglect ſuffered to periſh; provided only that the Collectors of ſuch Children made Evidence before the Biſhop, that they were really expoſed and deſerted. And in this Caſe the *Eccleſiaſtical Laws* concurred with the Secular, adding the Penalty of Excommunication, to be inflicted on all Parents, who thus proved themſelves guilty of murdering their Children. For ſo the Canons expreſsly word it. The Council of *Vaiſon* firſt preſcribes the Method of aſcertaining ſuch Children to the Right and Poſſeſſion of thoſe who became their Foſter-Fathers, according to the Tenor of the Imperial Laws; and then pronounces thoſe who expoſed them, guilty of Murder by their own Confeſſion. "A Clamour [c], ſays the Coun-
" cil, is made on all Sides, and Complaint brought
" before us concerning expoſed Children, that they
" are now no longer expoſed to the Mercy of
" Chriſtians,

[b] Cod. Theod. Lib. 5. Tit. 7. de Expoſitis. Leg. 1 & 2.

[c] Conc. Vaſionen. 1. can. 9. De Expoſitis (quia conclamatur ab omnibus) querela proceſſit, eos non miſericordiæ jam, ſed canibus exponi, quos colligere Calumniatorum metu, quamvis præceptis miſericordiæ inflexa mens humana detrectet: Id ſervandum viſum eſt, ut ſecundum ſtatuta fideliſſimorum piiſſimorumque Auguſtorum & Principum, quiſquis expoſitum colligit, Eccleſiam conteſtetur, &c.

" Chriſtians, but to be devoured by Dogs, be-
" cauſe every one refuſes to take them up, for
" fear of Proſecution from falſe Accuſers: We
" therefore Decree, that according to the Laws
" of pious Emperors and Princes, whoever takes
" up an expoſed Child, ſhall make Teſtimony
" thereof unto the Church, and the Miniſter on
" the *Lord's-Day* ſhall publiſh it at the Altar, that
" if any one owns it within Ten Days, he may re-
" ceive it again; giving a Recompence to the
" Finder for his charitable Care for that Term,
" or letting him keep it for ever as his own Poſ-
" ſeſſion." But the next Canon [*d*] adds, "That
" if any one, after this legal Form of Proceed-
" ing has been obſerved in the Caſe, pretend to
" claim the expoſed Infant, or accuſe the Finder
" as a *Plagiary* or Man-ſtealer, he himſelf ſhall
" be puniſhed as a Murderer by the Cenſures of
" the Church." All which manifeſtly proves, That in the Account of Conſcience and the ancient Diſcipline, the Parent who deſerts his Infant, and leaves it defenceleſs to the Injuries of Fortune, or Want, or the Weather, or wild Beaſts, is a real Murderer, as doing that in Conſequence of which Murder neceſſarily enſues, unleſs ſome favourable Providence interpoſes to prevent it.

Sect. 12.
If a Virgin defloured, kills herſelf for Grief, the Corrupter is reputed guilty of the Murder.

FOR the ſame Reaſon ſome Canons appointed all Acceſſories to Murder to do the ſame Penance as the Murderers themſelves. The Council of *Ancyra* puts a ſpecial Caſe of this Nature. A Man that is eſpouſed to a Woman, de-

flours

[*d*] Ibid. can. 10. Si quis expoſitorum hoc ordine collectorum repetitor vel calumniator extiterit, ut homicida habendus eſt, & eccleſiaſtica Diſtrictione damnabitur. Vid. Conc. Arelat. 2. can. 32. *where the ſame Things are repeated.*

flours her Sister, and afterward marries the other: She that is so defiled, hangs herself for Grief: The Man, as Accessory to the Murder [*e*], is ordered to do Ten Years Penance for his Crime, before he is allowed to appear among the Co-standers at the Communion.

Sect. 13. *The* Lanistæ *or Fencing-Masters reputed Accessories to Murder, and their Calling condemned.*

THE Case of the *Lanistæ*, or Masters of Fencing, was much of the same Nature. Their Art in preparing Gladiators for the Theatre, was always reputed a scandalous Trade; being in effect no better than teaching Men to Murder and Butcher one another. And therefore the Church would never allow it as a lawful Profession. *Tertullian* [*f*] says expressly, That the Prohibition of Murder shewed that there was no Place for Fencers in the Church: For they were impleaded guilty of shedding that Blood, which they taught others to shed. The Author of the *Constitutions*, puts Gladiators in the Number of those who were to be rejected from [*g*] Baptism. And *Constantine* prohibited the Art itself as Unchristian [*h*], ordering such Criminals as were used to be condemned to fight for their Lives upon the Stage, rather to be sent to the Mines, that they might suffer Punishment without Blood. For though in the Begining of his Reign he allowed it to be used as a Punishment for some Crimes: (As in the Case of *Plagiary*

[*e*] Conc. Ancyr. can. 26. [*f*] Tertul. de Idol. cap. 11. Sic & Homicidij interdictio ostendit mihi Lanistam quoque ab Ecclesia arceri ab Ecclesia: Nec per se non faciet, quod faciendum aliis subministrat. [*g*] Constit. Lib. 8. cap. 30. [*h*] Cod. Theod. Lib. 15. Tit. 12. de Gladiatoribus. Leg. 1. Cruenta Spectacula in otio Civili & domestica quiete non placent, &c.

Plagiary or Man-ſtealing, which they that were guilty of, were condemned [*i*] to fight for their Lives with wild Beaſts or one another:) Yet afterwards he ſeems to have revoked this alſo. And *Valentinian* abſolutely forbad any Chriſtian or any *Palatine* Soldier to be condemned [*k*] to this Puniſhment. Nay ſome of the wiſer Heathens always abhorred and declared againſt it. And therefore there was more Reaſon to prohibit the whole Art and Practice of Gladiators under the Chriſtian Inſtitution, which *Honorius* the Emperor [*l*] quite aboliſhed and deſtroyed.

Sect. 14. *Spectators of the Murders committed on the Stage accounted Acceſſories to Murder alſo.*

BUT the Chriſtian Laws and Rules of the Church went a little farther. They not only condemned the Murders of the Stage, but forbad any one to be a Spectator of them, under the Penalty of being reputed Acceſſory to the Murder. *Cyprian* deſcribing the Impiety and Barbarity of theſe inhuman Games, elegantly ſtiles [*m*] all Spectators of them, *Oculis Parricidas*, Men guilty of Murder with their Eyes: Intimating, That no one could entertain himſelf with the pleaſing Sight of them without partaking in the Guilt, and defiling his Soul with the Contagion of the Murders committed in them. There is little Difference [*n*], ſays *Athenagoras*, between ſeeing ſuch Murders, and committing them; and therefore we wholly abſtain from the Sight of them, leſt any of their Wickedneſs

[*i*] Cod. Theod. Lib 9. Tit. 18. ad Legem Fabiam de Plagariis. Leg. 1. [*k*] Cod. Theod. Lib. 9. Tit. 40. de Pœnis. Leg. 8, & 11. [*l*] Vide Pagi. Crit. in Baron. T. 2. an. 404. n. 5. ex Prudentio contra Symmach. Lib. 2. [*m*] Cypr. ad Donat. p. 5. [*n*] Athen. Legat. pro Chriſtian. p. 38.

Wickedneſs and Defilement ſhould cleave to us. *Lactantius* in his elegant and fluent Way declaims more copiouſly and vehemently againſt them. He that accounts it a Pleaſure, ſays he [o], to ſee a Man killed before his Eyes, though it be a Criminal condemned for his Villanies, pollutes his Conſcience, as much as if he were both a Spectator and Partaker of any ſecret Murder. And yet they call theſe Things only Games and Diverſions, wherein human Blood is ſhed. So far are Men forſaken of Humanity, that they count it but Sport to deſtroy Mens Lives or Souls, being really more wicked and injurious than thoſe very Criminals, whoſe Blood they make their Diverſion. Upon this Account, in the Eye of the Church, to frequent theſe inhuman Games was the ſame Thing as to commit Murder, and no Man could aſſociate with ſuch Company, and follow ſuch Diverſions, but he was reputed to bid adieu to all Humanity, Piety, and Juſtice, and to make himſelf Partaker in all the Guilt of thoſe publick Murders.

Sect. 15. *Famiſhers of the Poor and Indigent reputed guilty of Murder.*

THE Charge of Murder was alſo brought againſt thoſe, who deny'd the Poor their neceſſary Maintenance, and defrauded their Indigent Parents of their proper Livelihood, ſuffering them to periſh by Famine or Want, againſt the Laws of Piety and natural Affection. The fourth Council of *Carthage* [p] upon this Account terms thoſe, who defrauded the Church of the Oblations of the Dead,

[o] Lact. Lib. 6. cap. 20. Qui hominem, quamvis ob merita damnatum, in conſpectu ſuo pro voluptate jugulari computat, conſcientiam ſuam polluit, tam ſcilicet quam ſi homicidij, quod fit occulte, Spectator & Particeps ſiat, &c.

[p] Conc. Carth. 4. can. 95.

Dead, *Egentium necatores*, Murderers of the Poor, and, as ſuch, orders them to be proſecuted to Excommunication. And *Cyprian* ſpeaking of the Villanies of *Novatus*, ſays, among other Inſtances of his being guilty of Parricide and Murder (ſuch as cauſing his Wife to miſcarry by a Kick on the Belly, when ſhe was great with Child) he ſuffered his own Father to ſtarve [q] and periſh by Famine, and left him unburied after Death. For which Crimes he had certainly been expelled not only from the Presbytery, but from all Communion with the Church, had not the difficult Times of approaching Perſecution prevented the Day of his Tryal, and given him Opportunity to eſcape the Condemnation that was due to him by the juſt Diſcipline and Cenſures of the Church. All theſe were reckoned guilty of Murder, indirectly at leaſt, as Acceſſories, and Partakers in the Sin, though their Hands were not actually and directly ingaged in ſhedding of Blood.

Sect. 16. *And all thoſe by whoſe Authority Murder was committed.*

BUT none were reputed more guilty of Murder than they by whoſe Authority it was committed. Though the Inferior Inſtruments were not acquitted, yet the Crime was chiefly laid to the Charge of the principal Authors. Therefore as *David* was charged by *Nathan* with the Murder of *Uriah*, though he was ſlain through the Treachery of *Joab* by the Sword of the Children of *Ammon*: So *Theodoſius*, when by his Orders and Authority ſeven Thouſand Men were ſlaughtered at *Theſſalonica*, was charged by St. *Ambroſe* as the Principal Author of the Murder, and according to the Rules of Diſcipline

[q] Cypr. Ep. 49. al. 52. ad Cornel. p. 97.

cipline deny'd the Communion of the Church, till he had made a ſuitable and reaſonable Satisfaction. For though, as *Cyprian* complains [r] to his Friend *Donatus*, under the Heathen Emperors publick Murder was eſteemed a Virtue, which in private Men was puniſhed as a great Crime; yet it was not ſo under the Chriſtian Inſtitution, but there was a Power to bring even Emperors and Princes under Diſcipline for ſuch publick Offences, as appears from the Caſe of *Theodoſius* now mentioned. And the Caſe of the *Munerarij*, that is, ſuch Chriſtian Magiſtrates as exhibited the *Munera*, or inhuman Games, where Men murdered one another upon the Stage, is a farther Evidence of this Power and Practice. For the Canons of the Church [*] order all ſuch Magiſtrates to be excommunicated, as contributing by their Authority and Expences both to Idolatry and Murder. So that Murder, in whatever Speeies it appeared, or by whatever Perſons it was committed, was always reputed a Crime of the firſt Magnitude, expoſing Men to the utmoſt Severity of Eccleſiaſtical Cenſure.

Sect. 17. *Enmity and Strife and Contention puniſhed as lower Degrees of Murder.*

AND it muſt be added, That all open Enmity and Quarrelling, Strife, Envy, Anger and Contention, profeſt Malice and Hatred, were puniſhed with Excommunication, as Tendencies toward this great Sin, and lower Degrees of Murder. St. *John* ſays, *He that hateth his Brother, is a Murderer, and no Murderer hath Eternal Life abiding in him.* Our SAVIOUR alſo declares, *That he that is angry with his*

[r] Cypr. ad Donat. p. 5. Homicidium cum admittunt ſinguli crimen eſt; virtus vocatur cum publice geritur.

[*] *See* Chap. 4. n. 8.

his Brother without a Cauſe, ſhall be in Danger of the Judgment; and whoſoever ſhall ſay to his Brother, Raca, *ſhall be in Danger of the Council: But whoſoever ſhall ſay, Thou Fool, ſhall be in Danger of Hell-fire.* Now agreeably to theſe Inſtructions, the Church, to prevent or correct all Tendencies toward the great Sin of Murder, laid proper Reſtraints and Penalties upon the unruly Paſſions of Men, whenever they diſcovered themſelves in any viſible Acts of Malice or Hatred, and Strife and Contention. The Communion was the great Symbol of Love and Charity, and the Covenant of Peace and Unity, and the great Uniter of Mens Hearts and Affections. Therefore all who viſibly wanted theſe neceſſary Qualifications, were thought unworthy of that venerable Myſtery, and accordingly obliged by the Diſcipline of the Church (till they were ſo qualified) to abſtain from it. The fourth Council of *Carthage* [s] made an Order, That the Oblations of ſuch as were at Enmity or open Variance with their Brethren, ſhould neither be received into the Treaſury of the Church, nor at the Altar: Which was as much as to ſay, They ſhould not communicate whilſt they were in that Condition. And the ſecond Council of *Arles* [t] removes thoſe from the Privilege of joining with the Aſſemblies of the Church, who break forth into publick Hatreds and Animoſities one againſt another, untill they are reconciled, and return to Peace again. They that evil intreat their Servants or Slaves with Stripes, Famine, or hard Bondage,

[s] Conc. Carth. 4. can. 93. Oblationes diſſidentium Fratrum, neque in ſacrario, neque in Gazophylacio recipiantur.

[t] Conc. Arelat. 2. can. 31. Hi qui Publicis inter ſe odiis exardeſcunt, ab Eccleſiaſticis Conventibus ſunt removendi, donec ad pacem recurrant.

are ordered to be refuſed Communion by the Rules [*u*] of the *Conſtitutions*. And *Chryſoſtom* often warns [*x*] the Clergy, that they ſhould admit no cruel or unmerciful Man to the Communion. For if they gave the *Euchariſt* wittingly to any ſuch flagitious Man, his Blood would be required at their Hands. Though it be a General, though it be a Conſul, though it be him that wears the Crown, reſtrain him, if he comes unworthily: Thou haſt greater Power than he. But this was to be underſtood of great and enormous Violations of Charity, expreſſing themſelves in open and profeſt Acts of Cruelty; not of every lower Degree of Anger, eſpecially raſh and ſudden Anger, which, as I ſhewed before [*], was to be cured by other Methods, and not by the higheſt Remedies of Severity in the Exerciſe of Eccleſiaſtical Cenſure. Theſe were the Rules of Diſcipline, whereby the Church proceeded in cenſuring and puniſhing the great Sin of Murder, with all its Species and Appendages, ſo far as it was either poſſible or proper to take Notice of them; reſerving the reſt for the gentler Methods of Admonition and verbal Correction, which in ordinary Caſes and lighter Tranſgreſſions of this Kind was ſufficient for the Amendment of the Sinner.

[*u*] Conſtit. Lib. 4. cap. 6. [*x*] Chryſ. Hom. 83. in Mat. p. 705. [*] Chap. iii. n. 14.

CHAP.

CHAP. XI.

Of great Tranſgreſſions againſt the Seventh Commandment, Fornication, Adultery, Inceſt, &c.

Sect. 1. *The Puniſhment of Fornication.*

ANOTHER Sort of great Crimes, which always made Men liable to the Severities of Eccleſiaſtical Diſcipline, were the Sins of Uncleanneſs, or Tranſgreſſions of the ſeventh Commandment: Such as Fornication, Adultery, Raviſhment, Inceſt, *Polygamy*, and all Sorts of unnatural Defilement with Beaſts or Mankind, and all Things leading or paving the Way to ſuch Impurities, as Rioting and Intemperance, writing or reading laſcivious Books, acting or frequenting obſcene Stage-plays, allowing or maintaining Harlots, or whatever of the like kind may be called making Proviſion for the Fleſh to fulfill the Luſts thereof. To begin with ſimple Fornication: The Heathen Laws were ſo far from laying any effectual Reſtraints, that they not only allowed it with Impunity, but many Times encouraged it in the very ſacred Rites and Myſteries of their Gods, as the ancient Apologiſts often object it againſt their Religion: Whereas the Chriſtian Religion laid great and ſevere Penalties upon all ſuch as under the Name of Chriſtians were found guilty of it. The *Apoſtolical Canons* [*a*], and thoſe of *Neocæſarea* [*b*] forbid ſuch ever to be received into holy Orders, or to be ſuſpended, if unwittingly ordained.

[*a*] Canon. Apoſt. 53. al. 61. [*b*] Conc. Neocæſar. can. 9.

ordained. The Council of *Eliberis* [*c*] ſuſpends Virgins, who keep not their Virginity, a whole Year from the Communion; obliging them to marry thoſe that defiled them; otherwiſe they are to undergo Five Years ſolemn Repentance, becauſe if they are corrupted by others, they become guilty of Adultery, which, as we ſhall preſently ſee, had a more ſevere Puniſhment than ſimple Fornication.

Sect. 2. *Of Adultery.*

FOR whereas St. *Baſil*'s Canons appoint Seven Years Penance for Fornication only, they preſcribe Fifteen for Adultery [*d*], and ſometimes double [*e*] the Number. The Council of *Ancyra* [*f*] impoſes Seven Years for Adultery, but makes no expreſs mention of Fornication. The Council of *Eliberis* appoints Five Years Penance for a ſingle Act [*g*] of Adultery; and Ten Years [*h*], if repeated: But if any continued in it all their Lives, they were not to have the Communion at their laſt Hour. And in ſome of the *African* Churches before the Time of St. *Cyprian*, this was the common Puniſhment for all Adultery. For he ſays,

[*c*] Conc. Eliber. can. 14. Virgines quæ Virginitatem ſuam non cuſtodierint, ſi eoſdem, qui eas violaverunt, duxerint & tenuerint maritos, eo quod ſolas nuptias violaverint (nempe non Deo dedicatæ, ut can. 13.) poſt annum ſine Pœnitentia renonciliari debebunt. Vel ſi alios cognoverint viros, eo quod mœchatæ ſint, placuit, per quinquennii tempora, acta Legitima Pœnitentia, admitti eas ad Communionem. [*d*] Baſil. can. 58, & 59. [*e*] Ibid. can. 7. [*f*] Conc. Ancyr. can. 20.

[*g*] Conc Eliber. can. 69. Si quis forte habens uxorem, ſemel fuerit lapſus, placuit eum quinquennium agere de ea re Pœnitentiam. [*h*] Ibid. can. 64. Si qua mulier uſque in finem mortis ſuæ cum alieno fuerit viro mœchata, placuit nec in fine dandam ei eſſe communionem. Si vero eum reliquerit, poſt decem annos recipi ad communionem, acta legitima Pœnitentia.

ſays [*i*], ſome of his Predeceſſors refuſed the Peace of the Church to all Adulterers, and ſhut the Door of Repentance wholly againſt them; though it was otherwiſe in his Time, when Adulterers had a certain Term of Penance appointed them, after which they might be reſtored to the Peace of the Church. Whence Biſhop *Pearſon* [*k*] rightly reproves *Albaſpinæus* for aſſerting, That Adulterers were never received into Communion before the Time of *Cyprian*. For *Cyprian* ſays expreſsly, They were received to Repentance in moſt Churches, though rejected by ſome. And it appears plainly from *Tertullian*, who lived before *Cyprian*, and wrote his Book *De Pudicitia*, as a *Montaniſt*, againſt the *Catholicks*, for receiving Adulterers to their Communion. Yet in the Caſe of the Clergy, the Law continued ſtill a little more ſevere. For by a Rule of the Council of *Eliberis* [*l*], If a Biſhop, Presbyter, or Deacon was convicted of Adultery, he was to be deny'd Communion to the very laſt, as well for the greatneſs of the Crime, as for the Scandal he gave to the Church thereby. And by another Canon of the ſame Council [*m*], Every Clergyman who knew his Wife to be guilty of committing Adultery, and

[*i*] Cypr. Ep. 55. al. 52. ad Antonian. p. 109. Mœchis a nobis Pœnitentia conceditur, & Pax datur.— Et quidem apud Anteceſſores noſtros quidam de Epiſcopis in Provincia noſtra dandam Pacem Mœchis non putaverunt, & in totum Pœnitentiæ locum contra Adulteria clauſerunt; non tamen a Coepiſcoporum ſuorum Collegio receſſerunt. [*k*] Pearſon. Vindic. Ignat. Lib. 2. cap. 8. p. 378. [*l*] Conc. Eliber. can. 18. Epiſcopi, Presbyteri, Diacones, ſi in Miniſterio poſiti, detecti fuerint quòd ſint Mœchati, placuit & propter ſcandalum, & propter nefandum crimen, nec in fine eos communionem accipere debere. [*m*] Ibid. can 65. Si cujus Clerici uxor fuerit mœchata, & ſciat eam maritus ſuus mœchari, & eam non ſtatim projecerit, nec in fine accipiat communionem: ne ab his qui exemplum bonæ converſationis eſſe debent, videantur Magiſteria ſcelerum procedere.

did not presently put her away, was also to be deny'd Communion to the very last: That they who ought to be Examples of good Conversation, might not by their Practice seem to shew others the Way to Sin. And the Council of *Neocæsarea* [n] has a Decree of near Affinity to this, That if a Layman's Wife be convicted of Adultery, it shall render him uncapable of Orders: Or if after his Ordination she commits Adultery, he must dismiss her; under Pain of Degradation from his Ministerial Office, if he retains her. The *Civil Law* both under the Heathen and Christian Emperors made this Crime Capital, as *Gothofred* [o] shews by various Instances both out of the *Code* and *Pandects*. And *Constans*, the Son of *Constantine*, in particular, appointed its Punishment to be the same as that of Parricide, which was Burning alive, or Drowning in a Sack with a Serpent, an Ape, a Cock and a Dog ty'd up with the Criminals. When Adultery [p], says he, is proved by manifest Evidence, no dilatory Appeal shall be allowed: But the Judge is obliged to punish those who are guilty of the sacrilegious Violation of Marriage, as manifest Parricides, either by Drowning them in a *Culleus*, or Sack, or Burning them alive. And this was one of those Crimes to which the Emperors at *Easter* would grant no Indulgence [q], nor allow any Appeal to be made from the Judge to themselves in Favour of the Criminals, as appears not only from this Law of

[n] Conc. Neocæsar. can. 8. [o] Gothofr. in Cod. Th. Lib. 9. Tit. 36. Quorum Appellationes, &c. Leg. 4

[p] Cod. Theod. ibid. Manifestis probationibus Adulterio probato frustratoria Provocatio minime admittatur: cum pari similique ratione Sacrilegos nuptiarum, tanquam manifestos Parricidas, insuere Culleo vivos, vel exurere, Judicantem oporteat. [q] Cod. Theod. Lib 9. Tit. 38. De indulgentiis criminum. Leg 3, 4 6, 7, 8.

of *Conſtans*, but ſeveral others [r]. It may not be amiſs alſo to obſerve out of one of the Laws [s] of *Theodoſius*, That for a Chriſtian, Man or Woman, to marry a *Jew*, was reputed the ſame Thing as committing Adultery, and made the offending Party liable to the ſame Puniſhment; becauſe it was at leaſt a ſpiritual Adultery, and a ſacrilegious Proſtitution of the Members of CHRIST to the Inſolence and Power of his greateſt Enemies. And indeed there is nothing that the Ancients more generally [t] condemn than this of Chriſtians joyning in Marriage with *Jews*, or Heathens, or Hereticks, or any Perſons of a different Religion; not becauſe it was ſtrictly and properly Adultery, but becauſe it was againſt the Rule of the Apoſtle, (which orders Women to *marry only in the Lord)* and therefore dangerous to the Faith, by running themſelves into Temptation of changing their Religion, either by Perverting and Corrupting the Faith, or wholly Deſerting and Apoſtatizing from it.

ANOTHER Sort of Uncleanneſs was committed by inceſtuous Marriages, that is, when Perſons of near Alliance, either by Conſanguinity or Affinity, made Marriages one with another,

Sect. 3. *Of Inceſt.*

[r] Cod. Th. Lib. 9. Tit. 36. Quorum Appellationes non recipiantur. Leg. 1, 4, 7. [s] Cod. Th. Lib. 9. Tit. 9. ad Legem Juliam de Adulteriis. Leg. 5. Ne quis Chriſtianam mulierem in matrimonium Judæus accipiat, neque Judææ Chriſtianus conjugium ſortiatur. Nam ſi quis aliquid hujuſmodi admiſerit, Adulterii vicem commiſſi hujus crimen obtinebit.

[t] Ambroſ. de Abrahamo. Lib. 1. cap. 9 Cave, Chriſtiane, Gentili aut Judæo Filiam tuam tradere: Cave, inquam, Gentilem aut Judæam, atque alienigenam, hoc eſt, Hæreticam, & omnem alienam a Fide tua uxorem accerſas tibi. Vid. Aug. Ep. 234. ad Ruſticum. Conc. Eliberit. can. 16. Conc. Laodic. can. 10, & 31.

ther, within the Degrees prohibited by GOD in Scripture. As if a Man marry'd his Father's Wife, or his Wife's Daughter, or his Brother's Wife, or his Wife's Sister; which are Caſes in Affinity, particularly mentioned in the Council of *Auxerre* [*u*] as prohibited Caſes. St. *Baſil* [*x*] ſays, Inceſt with a Siſter, was to be puniſhed with the ſame Penance as Murder; and all inceſtuous Conjunction, as Adultery [*y*]. He that committed Inceſt with an Half-Siſter [*z*], was to do Eleven Years Penance; and he who committed Inceſt with his Son's Wife [*a*], was to do the ſame. He who ſucceſſively marry'd two Siſters [*b*] was to do the Penance of an Adulterer, which was Fifteen Years. And about all Caſes of this Nature, the Ancients were perfectly agreed. Herein eſpecially the Chriſtian Morals exceeded the Heathen. Among the *Perſians*, it was allowed by Law for the Father to marry his own Daughter, or a Son his own Mother or Siſter, as is obſerved by *Origen* [*c*]; *Minucius* ſays [*d*] the ſame of the *Egyptians* and *Athenians*; and *Theodoſius*, ſpeaking particularly of the *Perſians* in his own Time [*e*] ſays, It was then a Mark of Honour and Religion for their Princes to marry their own Mothers, or Siſters, or Daughters. And *Gothofred* [*f*] gives many Inſtances among the *Romans* of Men marrying their Siſters Daughters, and their Brothers Daughters, the latter of which was never forbidden by any of their Laws,

[*u*] Conc. Antiſſiodor. can. 27, 28, 29, 30. [*x*] Baſil. can. 67. [*y*] Id. can. 68. [*z*] Ibid. can. 75. [*a*] Ibid. can. 76. [*b*] Ibid. can. 78. [*c*] Orig. cont. Celſ. Lib. 5. p. 248. Aug. de Civ. Dei. Lib. 15. cap. 16. [*d*] Minuc. Octav. p. 92. Jus eſt apud Perſas miſceri cum matribus: Ægyptiis & Athenis cum ſororibus legitima connubia. [*e*] Theod. Com. in Levit. 18. 8. [*f*] Gothofred. in Cod. Theod. Lib. 3. Tit. 12. De Inceſtis Nuptiis. Leg. 1. ex Tacito. Lib. 12. Annal. Sueton. Vit. Claudii. cap. 26. Vit. Domitiani. cap. 22.

Laws, though the former had ſometimes a Reſtraint laid upon it. But *Conſtantius* [*g*] made it a Capital Crime for any one to marry his Brother's or Siſter's Daughter, which was abominable. He equally condemn'd the marrying of two [*h*] Siſters, or a Brother's Wife (though the *Jewiſh* Law allowed the latter in a certain Caſe) under the Penalty of having their Children Illegitimate, and accounted ſpurious. And *Theodoſius* Junior [*i*] thought it proper to repeat the ſame Law, though *Honorius* himſelf had made a Stretch upon it, by marrying two Siſters, the Daughters of *Stilicho*, ſucceſſively the one after the other. The *Eccleſiaſtical Law* diſſolved all ſuch Marriages, as inceſtuous, and obliged the Parties to do Penance for their Lewdneſs. The Council of *Eliberis* [*k*] requires Five Years Penance, unleſs ſome intervening Danger of Death require the Time to be ſhortned. The Council of *Neocæſaria* [*l*] orders the Woman that is marry'd to two Brothers, to remain excommunicate to the Day of her Death, and then only to be reconciled by receiving the Sacrament in Extremity, upon Condition, That if ſhe recovers, ſhe ſhall diſſolve the Marriage, and ſubmit to a Courſe of ſolemn Repentance.

St.

[*g*] Cod. Theod. ibid. Si quis Filiam Fratris, ſororiſve, faciendam crediderit abominanter uxorem, aut in ejus amplexum, non ut Patruus aut Avunculus, convolaverit, Capitalis ſententiæ pœna teneatur. [*h*] God. Theod. Lib. 3. Tit. 12. de Inceſtis Nuptiis. Leg. 2. Etſi licitum Veteres crediderunt, nuptiis Fratris ſolutis, ducere fratrem uxorem; licitum etiam poſt mortem mulieris vel divortium, contrahere cum ejuſdem ſorore conjugium: abſtineant hujuſmodi Nuptiis univerſi, nec æſtiment poſſe Legetimos Liberos ex hoc conſortio procreari: nam ſpurios eſſe convenit, qui naſcentur. [*i*] Ibid. Leg. 4.

[*k*] Conc. Eliber. can. 61. Si quis poſt obitum uxoris ſuæ, ſororem ejus duxerit, quinquennium a Communione placuit abſtineri, niſi forte dari Pacem velocius neceſſitas coegerit infirmitatis. [*l*] Conc. Neocæſar. can. 2.

St. *Basil* argues at large [*m*] for the Nullity and Diſſolution of all ſuch Marriages, in an Epiſtle to *Diodorus Tarſenſis*, under whoſe Name there went a feigned Treatiſe in Defence of them. And among the *Apoſtolical Canons* [*n*] there is one that orders; That whoever marries two Siſters, or his Brother's Daughter, ſhall never be admitted among the Clergy

Sect. 4. *Whether the Marriage of Coſen-Germans was reckoned Inceſt.*

BUT they are not ſo clear and unanimous in the Queſtion about the Marriage of Coſen-Germans. Till the Time of St. *Ambroſe* and *Theodoſius* there was no Law againſt it, but *Theodoſius* by an expreſs Law abſolutely forbad it. This Law is not extant now in either of the *Codes*, but there is Reference made to it by many ancient Writers. *Honorius* in one of his Laws makes [*o*] mention of it, confirming the Prohibition, though under a different Penalty. For whereas *Theodoſius* made the Penalty to be Confiſcation and Burning, he moderated the Puniſhment into Confiſcation of the Parties Goods, and Illegitimation of their Children. And *Arcadius* by another Law [*p*] took off Confiſcation alſo, but made all

[*m*] Baſil. Ep. 197. ad. Diodor. Tarſenſ. [*n*] Can. Apoſt. 19. [*o*] Cod. Theod. Lib. 3. Tit. 10. Si nuptiæ ex Reſcripto petantur. Leg. 1. Exceptis his, quos Conſobrinorum, hoc eſt, quarti gradus conjunctionem, Lex triumphalis memoriæ Patris noſtri exemplo indultorum ſupplicare non vetavit, &c. [*p*] Cod. Th. Lib. 3. Tit. 12. de Inceſtis Nuptiis. Leg. 3. Manente circa eos ſententia, qui poſt factam dudum Legem quoquo modo abſoluti ſunt aut puniti, ſi quis inceſtis poſthac Conſobrinæ ſuæ, vel ſororis aut fratris filiæ, uxoriſve —— ſeſe nuptiis funeſtarit, deſignato quidem Lege ſupplicio, hoc eſt, Ignium & Proſcriptionis, careat, proprias etiam quam diu vixerit teneat facultates: Sed neque uxorem neque filios ex ea editos habere credatur, ut nihil prorſus

all ſuch ſtill guilty of inceſtuous Marriage, and rendred them Inteſtate, and their Children Illegitimate, and uncapable of ſucceeding to any Inheritance, as being only a ſpurious Off-ſpring. *Gothofred* [q] has obſerved likewiſe, That there is mention made of this Law of *Theodoſius* in the Writings of *Libanius* [r] who ſpeaks of it as a new Law made by him, to forbid the Marriage of ἀνεψιοι, that is, Coſen-Germans. The like is ſaid by St. *Ambroſe* [s], who takes Notice of the ſevere Puniſhment, which the Emperor laid upon all thoſe that married in Contradiction to the Law. And it is thought that St. *Ambroſe* was the Emperor's Adviſer in the Caſe, being of Opinion himſelf that ſuch Marriages were inceſtuous and prohibited in Scripture. St. *Auſtin* was of a different Judgment from St. *Ambroſe*, yet he mentions the Emperor's Law, and adviſes Men to refrain from ſuch Marriages [t]; becauſe though neither the Divine Law, nor any human Law before that of *Theodoſius*, had prohibited them, yet moſt Men were ſcrupulous about them, and ſuch Marriages were very rarely made,

prorſus prædictis, ne per interpoſitam quidem Perſonam, vel donet ſuperſtes, vel mortuus derelinquat.

[q] Gothofred. in Cod. Th. Lib. 3. Tit. 10. Leg. 1.

[r] Liban. Orat. pro Agricolis de Angariis.

[s] Ambroſ. Ep. 66. ad Paternum. Theodoſius Imperator etiam Patrueles fratres & Conſobrinos vetuit inter ſe conjugij convenire nomine, & ſeveriſſimam pœnam ſtatuit ſi quis temerare auſus eſſet fratrum pia Pignora, &c.

[t] Aug. de Civ. Dei. Lib. 15. cap. 16. Experti ſumus in connubiis Conſobrinorum etiam noſtris temporibus, propter gradum propinquitatis fraterno gradui proximum, quàm raro per Mores fiebat, quod fieri per leges licebat, quia id nec Divina prohibuit, & nondum prohibuerat Lex humana: Veruntamen Factum etiam Licitum propter vincinitatem horrebatur illiciti, & quod fiebat cum Conſobrina, pene cum ſorore fieri videbatur, &c.

made, becauſe Men thought they bordered very near upon unlawful; whilſt the marrying a Coſen-German was almoſt deemed the ſame Thing as marrying a Siſter, and the Propinquity of Blood gave Men a Sort of natural Averſion to ſuch Engagements with their near Kindred. It appears from this, that there was no human Law before that of *Theodoſius* to prohibit this Sort of Marriages; and in St. *Auſtin's* Opinion there was nothing to hinder them in the Law of GOD. *Athanaſius* [u] was of the ſame Judgment; for he ſays expreſsly, That by the Rule of GOD's Commands the Conjunction of Coſen-Germans, or Brothers and Siſters-Children in Matrimony, was lawful Marriage. And afterward *Arcadius* revoked all former Laws that he himſelf or others had made in Derogation of ſuch Marriages [x] declaring them Legal, and that no Action or Accuſation ſhould lie againſt them; but that if Coſen-Germans married together, whether they were the Children of two Brothers, or two Siſters, or a Siſter and a Brother, their Matrimony ſhould be lawful, and their Children legitimate. *Juſtinian* made this the ſtanding Law of the Empire, not only by inſerting it into his *Code*, but by declaring the ſame Thing [y] in his *Inſtitutions*. Where *Contius* [z] rightly obſerves,

[u] Athan. Synopſ. Scriptur. Lib. Numeror. T. 2. p. 70. νόμιμον δὲ γάμον τὴν πρὸς ἀνεψιὰς συζυγίαν.

[x] Cod. Juſtin. Lib. 5. Tit. 4. de Nuptiis. Leg. 19. Celebrandis inter Conſobrinos Matrimoniis licentia Legis hujus ſalubritate indulta eſt; ut revocati priſci juris auctoritate, reſtinctiſque calumniarum fomentis, matrimonium inter Conſobrinos habeatur Legitimum, ſive ex duobus Fratribus, Sive ex duabus ſororibus, ſive ex Fratre & ſorore nati ſunt, &c. [y] Juſtin. Inſtit. Lib. 1. Tit. 10. Duorum Fratrum vel ſororum Liberi, vel Fratris & ſororis conjungi poſſunt. [z] Contius in Locum.

ſerves, That though ſome Copies and ſome ancient Writers, as *Theophilus* and others, read it negatively, *Conjungi non poſſunt:* Yet the other is certainly the true Reading, both becauſe it is agreeable to the Law of *Arcadius* in the *Code*, and becauſe *Gregory the Great* ſo alledges it in his Anſwer to *Auſtin* the Monk [a] upon this Queſtion, ſaying, The *Civil Law* of the *Roman* Empire allows the Marriage of Coſen-Germans, but the ſacred Law forbids it. And this was now the known Difference between the Civil and Eccleſiaſtical Law. For though *Zepper* [b] alledges the Council of *Epone* and the ſecond of *Tours*, as allowing ſuch Marriages, yet he plainly miſtakes in both. For the Council of *Epone* [c] expreſsly ſtiles them Inceſt and Adultery, ranking them with Marriages contracted with a Siſter, or the Relict of a Brother, or a Fathers Wife. And the Council of *Tours* [d] is as plain in the Matter, quoting the foreſaid Canon of *Epone*, and another of the Council of *Arvern* or *Clermont* againſt them. *Gregory* II. made a like Decree [e] in a Council at *Rome*, *An.* 721. and in the following Ages the Prohibition extended to the ſixth or ſeventh [f] Generation. The ſhort of the whole

[a] Greg. Lib. 12. Ep 31. & ap. Bedam. Lib. 1. cap. 27. Quædam terrena Lex in Romana Republica permittit, ut ſive Frater & Soror (leg. Fratris & Sororis) ſeu duorum Fratrum germanorum, vel duarum ſororum filius & filia miſceantur. Sed ſacra Lex prohibet, &c. [b] Zepper. Legum Moſaicar. Forenſium Explanat. Lib. 4. cap. 19. p. 506. [c] Conc. Epaunen. can. 30. Inceſtis junctionibus nihil prorſus veniæ reſervamus, niſi cum adulterium Separatione ſanaverint; —— Si quis novercam duxerit, ſi quis Conſobrinæ ſe ſociet.

[d] Conc. Turon. 2. can. 22. Quiſquis aut ſororem, aut Filiam, aut certe gradu Conſobrinam, aut Fratris uxorem, ſceleratis ſibi nuptiis junxerit, huic pœnæ ſubjaceat, &c.

[e] Conc. Roman. can. 8. Si quis Conſobrinam duxerit in conjugium, anathema ſit. [f] Vid. Gratian. Caus. 35. Quæſt. 5.

the whole Matter is this: Before the Time of *Theodoſius* there was no Law, Eccleſiaſtical or Civil, to prohibit the Marriage of Coſen Germans: Under the Reign of *Theodoſius* they were forbidden, but allowed again in the next Reign, and under *Juſtinian*, who fixed the Allowance in the Body of his Laws. But ſtill the Canons continued the Prohibition, and extended it to a greater Degree. But as this was not the Original Conſtitution, nor the Practice of the Church for ſome Ages, to bring ſuch Marriages under penitential Diſcipline, as inceſtuous or ſimply unlawful; ſo I have not here laid this Load upon them, but given the fair Account of Mens Sentiments on both Sides, and the different Practices both of Church and State in ſeveral Ages; acting the Part of an Hiſtorian, but not inducing the Reader to condemn what was once allowed by the General Vote of the Catholick Church, however differently repreſented in later Ages

Sect. 5. *Of* Polygamy, *and Concubinage.*

THE next Queſtion may be about *Polygamy*, which denotes either having many Wives at once, or many ſucceſſively one after another. As to the former, *Socrates* [g] tells a very ſtrange Story of the Emperor *Valentinian*, that by the Advice of his Wife *Severa* he married a ſecond Wife, whilſt ſhe was living; and upon that made a Law to grant Liberty to all that would, to have two Wives at the ſame Time. The Author of the Book, called, *Polygamia Triumphatrix*, makes a great ſtir with this pretended Law in Favour of *Polygamy*; which in all Probability is a mere fabulous Story, which *Socrates* too haſtily took up from

[g] Socrat. Lib. 4. cap. 31.

from the Relation of ſome crafty Impoſtor. For there is no Footſtep of any ſuch Law in either of the *Codes*, but much to the contrary. For even the Heathen Law [*h*] forbad it to the old *Romans*, as is evident from an Edict of *Diocletian* in the *Juſtinian Code*, where he ſays, No *Roman* was allowed to have two Wives at once, but was liable to be puniſhed before a competent Judge. And the Chriſtian Law [*i*] forbad the *Jews* alſo to have two Wives at once, according to the Allowance of their own Law. *Saluſt* [*k*] ſays the *Romans* were uſed to deride *Polygamy* in the *Barbarians*. And though *Julius Cæſar* [*l*] attempted to have a Law paſs in Favour of it, he could not effect it. And *Plutarch* remarks [*m*], That *Mark Antony* was the firſt that had two Wives among the *Romans*. But that which is moſt Deciſive, is, That neither *Zoſimus*, nor *Ammianus Marcellinus*, the Heathen Hiſtorians, object any ſuch thing to *Valentinian*; which they would not have failed to have done, had he taken or granted any ſuch Liberty contrary to the Laws of the *Romans* before him; but on the other hand, *Ammianus Marcellinus* ſays expreſsly [*n*] of him, That he was remarkable for his Chaſtity both at Home and Abroad, and had no Contagion of

[*h*] Cod. Juſtin. Lib. 5. Tit. 5. de Inceſtis Nuptiis. Leg. 2. Neminem, qui ſub ditione ſit Romani nominis, binas uxores habere poſſe vulgo patet, &c. [*i*] Ibid. Lib. 1. Tit. 9. de Judæis. Leg. 7. Nemo Judæorum morem ſuum in Conjunctionibus retineat, nec juxta Legem ſuam nuptias ſortiatur, nec in diverſa ſub uno tempore conjugia conveniat. [*k*] Saluſt. de Bello Jugurth. [*l*] Sueton. Vit. Julij Cæſ. cap. 52. [*m*] Plutarch. Vit. Anton.

[*n*] Ammian. Hiſt. Lib. 30. p. 462. Omni Pudicitiæ cultu domi caſtus & foris, nullo conſcientiæ contagio violatus obſcenæ: hancque ob cauſam tanquam retinaculis Petulantiam aulæ Regalis frenarat, quod cuſtodire facile potuit.

of Obſcenity upon his Conſcience; by which Means he was able to bridle the Petulancy of the Imperial Court, and keep it in good Order. And *Zoſimus* [o] rather intimates, that he did not marry his ſecond Wife *Juſtina*, till *Severa* his firſt was dead. Whence *Baronius* [p] and *Valeſius* [q] rightly conclude, That this Story in *Socrates* muſt needs be a mere groundleſs Fiction, and that there never was any Law to authorize *Polygamy* in the *Roman* Empire. As to the Laws of the Church, St. *Baſil* [r] obſerves, That the Fathers ſaid little or nothing of *Polygamy*, as being a brutiſh Vice, to which Mankind had no very great Propenſity. But he determines it to be a greater Sin than Fornication, and conſequently it ought to have a longer Courſe of Penance aſſigned it: for Fornication was to have Seven Years Puniſhment by St. *Baſil*'s Rules, and yet the Term of Penance for *Polygamy* in this Canon is only Four Years: Which makes Learned Men ſuſpect, that this Part of the Canon is corrupted by the Negligence of Tranſcribers, and that St. *Baſil* originally aſſigned a longer Term of Penance for this Sin, than appears from any Copies now extant, which only requires One Year's Penance in the Quality of Mourners, and Three Years in the Claſs of Co-ſtanders, without any mention of their being Hearers or Proſtrators, which are uſually ſpecified in moſt other Canons of this Author. In the firſt Council of *Toledo* [s] there is alſo a Rule, which accounts it the ſame Thing

[o] Zoſim. Hiſt. Lib. 4. [p] Baron. an 370. T. 4. p. 272.
[q] Valeſ. in Socrat. Lib. 4. c. 31. [r] Baſil. can. 80.
[s] Conc. Tolet. 1. can. 17. Si quis habens uxorem fidelis, Concubinam habeat, non communicet. Cæterum is qui non habet uxorem, & pro uxore concubinam habeat, a Communione non repellatur, tantum ut unius mulieris, aut uxoris concubinæ, ut ei placuerit, ſit conjunctione contentus.

Thing as *Polygamy* for a Man to have a Wife and a Concubine together: for ſuch an one may not communicate. But if he have no Wife, but only a Concubine inſtead of a Wife, he may not be repelled from the Communion, provided he be content to be joyned to one Woman only, whether Wife or Concubine, as he pleaſes. The Difficulty which ſeems to be in the later Part of this Canon, I have been at ſome Pains to explain [*] in a former Book, where I ſhew that in the Senſe of the *Eccleſiaſtical Law*, a Concubine differs nothing from a Wife; though the *Civil Law* made a greater Diſtinction between them; calling her only a Concubine, who was marry'd againſt any of the Rules which the Laws of the State preſcribed, and denying her the Privileges, Rights and Honours, which belonged to a legal Wife: For ſhe could claim no Right from her Husband's Eſtate, nor her Children ſucceed to his Inheritance: Yet ſhe was not reputed guilty of Fornication, nor the Husband accounted an Adulterer in the Eye of the Church, becauſe they kept themſelves faithfully and entirely to each other by an exact Performance of the mutual Contract made between them. Which was the Reaſon why the Church allowed ſuch a Man to communicate, who was united to a Concubine (in the foreſaid Senſe) inſtead of a Wife; but reckoned him guilty of *Polygamy*, who kept a Concubine and a Wife together.

Sect. 6. *Of Marrying after unlawful Divorce.*

ANOTHER Sort of *Polygamy* was, the marrying of a ſecond Wife after the unlawful Divorcement of a former. For this in Effect was reputed the ſame as having two Wives at once. There were ſome Caſes in which a

[*] Book XI. Chap. v. n. 11.

Man might lawfully put away his Wife, without any Tranſgreſſion againſt the Rules of Church or State, or Violation of any Law human or divine. The *Civil Law* allowed it in many Caſes. *Conſtantine* ſpecifies [*t*] Three Caſes in which a Man was at Liberty to put away his Wife, or a Woman her Huſband. A Woman might not divorce herſelf from her Husband at Pleaſure for any ordinary Cauſe, as, becauſe he was a Drunkard, or a Gameſter, or given to Women; but only for theſe three Crimes, if he was a Murderer, or a Poyſoner, or a Robber of Graves: If otherwiſe, ſhe was to forfeit all her Title to his Subſtance, and be ſent into Baniſhment. In like manner, the Husband was not to put away his Wife, but only for the Three Crimes of Adultery, Poyſoning, and the Practice of Baudery. If otherwiſe, the Woman might claim her own Portion, and the Man was incapacitated to marry again. The following Emperors [*u*] allowed many other Cauſes

[*t*] Cod. Theod. Lib. 3. Tit. 16. de Repudiis. Leg. 1. Placet, mulieri non licere propter ſuas pravas cupiditates marito Repudium mittere exquiſita cauſa, velut Ebrioſo, aut Aleatori, aut Mulierculario: Nec vero Maritis per quaſcunque occaſiones uxores ſuas dimittere. Sed in Repudio mittendo a fœmina hæc ſola crimina inquiri, ſi Homicidam, vel Medicamentarium, vel Sepulchrorum diſſolutorem maritum ſuum eſſe probaverit, &c. In Maſculis etiam, ſi Repudium mittant, hæc tria crimina inquiri conveniet, ſi Mœcham, vel Medicamentariam, vel Conciliatricem repudiare voluerit, &c. [*u*] Cod Juſtin. Lib. 5. Tit. 17. Leg. 8. Theodoſii Junior. Si qua maritum ſuum adulterum, aut homicidam, aut veneficum, vel certe contra noſtrum Imperium aliquid molientem, vel falſitatis crimine condemnatum invenerit, ſi Sepulchrorum diſſolutorem, ſi ſacris ædibus aliquid ſubtrahentem, ſi latronem, vel latronum ſuſceptorem, vel actorem, aut plagiarium, vel ad contemptum ſui domuſve ſuæ, ipſa inſpiciente, cum impudicis mulieribus (quod maxime etiam caſtas exaſperat) cætum ineuntem; ſi ſuæ vitæ veneno, aut gladio, aut alio ſimili modo inſidiantem; ſi

Cauſes of lawful Divorce, as, if an Husband was an Adulterer, or a Murderer, or a Poyſoner, or guilty of Treaſon againſt his Prince, or a perjured Perſon, or a Plunderer of Graves, or Robber of Churches, or an Highway Man, or Harbourer of ſuch, a Stealer of Cattle, or a Man-ſtealer, or one frequenting the Company of lewd Women (which extremely exaſperates a Chaſte Wife) if he attempted her Life by Poyſon, or the Sword, or any the like Means; if he beat her as a Slave, contrary to the Rules of uſing Free-born Women: In any of theſe Caſes ſhe had Liberty to uſe the neceſſary Help of a Divorce, making Proof of the Cauſe before a competent Judge. And the ſame Liberty was allowed the Man againſt his Wife upon theſe and the like Reaſons. But the *Eccleſiaſtical Laws* were much ſtricter, and admitted of Divorces only in Caſe of Adultery, and malicious Deſertion. In the Caſe of Adultery, Women as well as Men were allowed to divorce themſelves from the offending Party, as appears from the Caſe related by *Juſtin Martyr* [*x*], and out of him by *Euſebius* [*y*], and ſeveral Places of St. *Auſtin* [*z*]. And ſome Canons oblige the Clergy [*a*] to diſmiſs their Adulterous Wives, under Pain of Eccleſiaſtical Cenſure, whilſt St. *Auſtin* pleads with the Laity [*b*], rather to be reconciled to an adulterous Wife upon her Repentance, than diſmiſs her entirely, becauſe of many

ſi ſe verberibus (quæ Ingenuis aliena ſunt) afficientem probaverit: tunc Repudii auxilio uti neceſſario ei permittimus libertatem, & cauſas diſſidii Legibus comprobare, &c. *See alſo* Juſtin. Novel. 22. cap. 3. Novel. 117. cap. 8. & Cod. de Repudiis. Leg. 10, & 11.

[*x*] Juſtin. Apol. 1. p. 42. [*y*] Euſeb. Lib. 4. cap. 17.

[*z*] Aug. de Adulterinis Conjugiis. Lib. 7. cap. 6, &c. It. de Bono Conjugali. cap. 7. [*a*] Conc. Neocæſar. can. 8.

[*b*] Aug. de Adult. Conjug. Lib. 2. per totum.

many great Inconveniencies that might attend it. One of which was, That he thought the Scripture forbad both Man and Woman to marry again, even after a lawful Divorce, till one of the Parties was dead. But he does not ſo dogmatically aſſert this, as to make Marrying after ſuch a lawful Divorce, to be a Crime worthy of Excommunication. For in another Book, where he treats of the Qualifications of Baptiſm [c], he ſays, A Man who puts away his Wife for Adultery, and marries another, is not to be ranked with thoſe who put away their Wives without Cauſe, and marry again. For the Queſtion is ſo obſcurely reſolved in Scripture, Whether he that putting away his Wife for Adultery, marries again, be upon that Score an Adulterer, that a Man may be ſuppoſed to err venially in the Matter. Therefore thoſe Crimes of Uncleanneſs, which are manifeſtly ſo, ought to debar a Man from Baptiſm, unleſs he change his Mind, and correct his Crimes by Repentance: But for thoſe that are dubious, all that is to be done, is to endeavour to perſuade Men not to ingage in ſuch Marriages. For what need is there for Men to run their Heads into ſuch dangerous Ambiguities? But if they are already done, I am not ſure that they who do them, ought therefore

[c] Aug. de Fide & Oper. cap. 19. Quiſquis uxorem in adulterio deprehenſam dimiſerit, & aliam duxerit, non videtur æquandus eis, qui excepta cauſa adulterii dimittunt & ducunt. Et in ipſis Divinis ſententiis ita obſcurum eſt, Utrum & iſte, cui quidem ſine dubio adulteram licet dimittere, adulter tamen habeatur ſi alteram duxerit, ut quantum exiſtimo veniali-ter ibi quiſque fallatur. Quamobrem quæ manifeſta ſunt impudicitiæ crimina, omnimodo a Baptiſmo prohibenda ſunt, niſi mutatione voluntatis & Pœnitentia corrigantur: Quæ autem dubia, omnimodo conandum eſt ne fiant tales Conjunctiones. Quid enim opus eſt in tantum diſcrimen ambiguitatis caput immittere? Si autem factæ fuerint, neſcio utrum ii qui fecerint, ſimiliter ad Baptiſmum non debere videatur admitti.

fore to be deny'd Baptiſm. By this it appears, that though St. *Auſtin* in his own Opinion was perſuaded, that marrying after a lawful Divorce, was forbidden in Scripture; yet it was not ſo clearly forbidden, as to render a Man uncapable of Baptiſm; nor conſequently of the Communion: Theſe being of the ſame Account in Chriſtianity, and a Man that is uncapable of the one, is uncapable of the other. The firſt Council of *Arles* ſeems to have acted upon the ſame Sentiments. The Fathers there [*d*] declare it unlawful for Men, who put away their Wives for Adultery, to marry others: But they do not order, that the great Cenſure of Excommunication ſhall be inflicted on them, but only that they ſhall be dealt with and adviſed not to marry a ſecond Wife, while the other, who was divorced for Adultery, was living. The Author under the Name of St. *Ambroſe* [*e*], makes a Difference between the Man and the Woman: He ſays, The Man was allowed to marry a ſecond Wife, after he put away a firſt for Fornication, but the Apoſtle did not allow the ſame Privilege to the Woman. In which Opinion he ſeems to be ſingular. For *Epiphanius*, ſpeaking of the ſame Matter [*f*], ſays, That as the Scripture allows Men to marry a ſecond Wife after the Death of the firſt: So if a Separation is made upon the Account of Fornication, or Adultery, or any ſuch Cauſe, it does not condemn either the Man that marries a

[*d*] Conc. Arelat. 1. can. 10. De his qui conjuges ſuas in adulterio deprehendunt, & iidem ſunt adoleſcentes fideles, & prohibentur nubere: Placuit, ut in quantum poteſt, conſilium eis detur, ne viventibus uxoribus ſuis, licet adulteris, alias accipiant. [*e*] Ambroſ. in 1 Cor. 7. 11. T. 5. p. 262. Non permittitur Mulieri ut nubat, ſi virum ſuum cauſa fornicationis dimiſerit. —— Viro licet ducere uxorem, ſi uxorem dimiſerit peccantem. [*f*] Epiphan. Hær. 59. Catharor. n. 4.

ſecond Wife, or the Woman that marries a ſecond Husband, nor deny them the Privilege of Church-Communion or Eternal Life, but bears with them for their Infirmity. And *Origen* [*g*], though he himſelf was againſt the Thing, plainly declares that there were ſome Biſhops in his Time, who allowed Women as well as Men to marry after ſuch Divorces, whilſt the ſeparate Party was ſtill living: Which he reckons indeed to be againſt thoſe Rules of the Apoſtle, *A Woman is bound as long as her Husband liveth:* And, ſhe ſhall be called an Adultereſs, if as long as her Husband liveth, ſhe be marry'd to another Man: Yet he thinks they might have Reaſons for permitting it: Becauſe perhaps they had Regard to the Infirmity of ſuch as could not contain, and only permitted an Evil againſt the Original Rule to avoid a greater Sin. Yet ſome Councils [*h*] forbad ſuch Marriages under the Penalty of Excommunication to thoſe that were of the Number of the Faithful; only making ſome Allowance to thoſe that were [*i*] mere Catechumens. To this Purpoſe there are two

[*g*] Orig. Tract. 7. in Mat. T. 2. p. 67. Scio enim quoſdam qui præſunt Eccleſiis, extra Scripturam permiſiſſe aliquam nubere, viro priori vivente: Et contra Scripturam quidem fecerunt, dicentem, Mulier ligata eſt quanto tempore vivit vir ejus. Item, vivente viro, adultera vocabitur, ſi facta fuerit alteri viro. Non tamen omnino ſine cauſa hoc permiſerunt: Forſitan enim propter hujuſmodi Infirmitatem incontinentium hominum, pejorum comparatione, quæ mala ſunt permiſerunt, adverſus ea quæ ab initio fuerant ſcripta.

[*h*] Conc. Eliber. can. 9. Fidelis fœmina, quæ adulterum maritum reliquerit fidelem, & alterum duxerit, prohibeatur ne ducat. Si autem duxerit, non prius accipiat communionem, quàm is quem reliquit, de ſeculo exierit, niſi neceſſitas infirmitatis dare compulerit. [*i*] Ibid. can. 10. Si ea, quam catechumenus reliquerit, duxerit maritum, poteſt ad fontem Lavacri admitti. Hoc & circa fœminas Catechumenas erit obſervandum.

two Canons in the Council of *Eliberis*, and one in the Council of *Milevis* [*k*] which orders, That according to the Evangelical and Apoſtolical Diſcipline, neither the Man that is divorced from his Wife, nor the Woman divorced from her Husband, ſhall marry others, but either abide ſo, or be reconciled: And they that contemn this Order, are to be ſubjected to publick Penance; and withall a Petition ſhould be preſented to the Emperor to deſire him to confirm this Rule by an Imperial Sanction. From all which we may eaſily perceive, that this was always reckoned a difficult Queſtion, Whether Perſons after a lawful Divorce might marry again in the Life-time of the relinquiſhed Party? The *Imperial Laws* allowed it; many of the ancient Fathers alſo approved it; ſome condemned it, but ſuffered it to paſs without any publick Puniſhment; and others required a certain Penance to be done for it in the Church. Of all which different Practices the Learned Reader, that is more curious, may find an ample Account in *Cotelerius*'s [*l*] *Notes* upon *Hermes Paſtor*. But though they differed upon this Point, there was no Diſagreement upon the other, That to marry a ſecond Wife after an unlawful Divorce, whilſt the former was living, was profeſt Adultery, and as ſuch to be puniſhed by the ſharpeſt Cenſures of the Church. The *Apoſtolical Canons* [*m*] order every one to be excommunicated, who either puts away

[*k*] Conc. Milevit. can. 17. Placuit ut ſecundum Evangelicam & Apoſtolicam Diſciplinam, neque dimiſſus ab uxore, neque dimiſſa à marito, alteri conjungantur: Sed ita maneant, aut ſibi reconcilientur. Quod ſi contempſerint, ad Pœnitentiam redigantur. In qua cauſa Legem Imperialem petendam promulgari. Vid. Cod. Afric. can. 105.

[*l*] Coteler. Patres Apoſtol. T. 1. p. 88. [*m*] Canon. Apoſt. 48. Vid. Baſil. can. 48.

his Wife and marries again, or marries one that is put away by another. And all Canons generally agree to debar ſuch from entring into holy Orders, as marry a Wife that is put away by another Man. The Council of *Eliberis* goes farther [*n*], and orders ſuch Women as forſake their Husbands without Cauſe, and marry others, to be refuſed Communion even at their laſt Hour. And ſuch as marry Men who have [*o*] put away their Wives unjuſtly, if they do it knowingly, are not to be received till the laſt Moment of their Days, or as other Copies read it, No not at their laſt Hour.

Sect. 7. *Of Second, Third, and Fourth Marriages.*

SOME Canons alſo preſs hard upon ſecond, third, and fourth Marriages, by which they ſeem not to underſtand either ſimultaneous *Polygamy*, or marrying after Divorce, whilſt the former Wife was living; but marrying two or three Wives ſucceſſively after the Death of the former. For though they did not Account theſe downright Adultery, nor with the *Montaniſts* and *Novatians* condemn them as ſimply unlawful; yet ſome of the Ancients were willing to diſcourage them, and therefore they impoſed a certain Term of Penance upon them. The Council of *Neocæſarea* [*p*] in one Canon ſays, "They that marry "often, have a Time of Penance allotted them: And in another [*q*], No Presbyter ſhall be preſent

[*n*] Conc. Eliber. can. 8. Fæminæ, quæ nulla præcedente cauſa, reliquerunt viros ſuos, & alteris ſe copulaverunt, nec in fine accipiant communionem. [*o*] Ibid. can. 10. Si fuerit fidelis quæ ducitur ab eo qui uxorem inculpatam reliquerit, & cum ſcierit illum habere uxorem, quam ſine cauſa reliquit, placuit hujuſmodi in fine dari communionem. al. nec in fine dare communionem. [*p*] Conc. Neocæſar. can. 3. [*q*] Ibid. can. 7.

" ſent at the Marriage-Feaſt of thoſe that " marry Twice: For a *Digamiſt* requires Pe- " nance. How then ſhall a Presbyter by his Pre- " ſence at ſuch Feaſts give Conſent to ſuch Mar- " riages? " There are many other harſh Expreſ- ſions in *Athenagoras*, *Irenæus*, *Origen*, *Gregory Nazianzen*, *Chryſoſtom*, *Jerom* and others concerning ſecond and third Marriages, which the Learned Reader may find collected by *Cotelerius* [r] in his *Notes* upon *Hermes Paſtor* and the *Conſtitutions*. The later of which Writers declares alſo againſt ſecond and third Marriages, as Tranſgreſſions of the Law, and brands fourth Marriages with the hard Name of πεφανὴς πορνεία, manifeſt Fornication. But *Hermes Paſtor* is more Candid: For in Anſwer to the Queſtion, Whether Men or Women may marry after the Death of a firſt Conſort? He ſays, He that marries [s] Sins not: But if he continues as he is, he ſhall obtain great Honour of the LORD. He neither condemns ſecond Marriage, nor gives it any hard Name, nor lays any Penalty upon it; but only makes it matter of Counſel and Advice to refrain under the Proſpect of a great Reward. And St. *Auſtin* [t] anſwers the Queſtion after the ſame manner, That he dares not condemn any Marriages for the Number of them, whether they be ſecond, or third, or any other. I dare not be wiſe above what is written. Who am I, that I ſhould define what the Apoſtle has not defined? *The Woman is bound*, ſays the Apoſtle, *as long as her*

[r] Coteler. Not. in Herm. Paſt. Mandat. 4. Lib. 2. & in Conſtit. Lib. 3. cap. 2. [s] Herm. Paſtor. Lib. 2. Mandat. 4. n. 4. Si Vir vel Mulier alicujus deceſſerit, & nupſerit aliquis eorum, numquid peccat? Qui nubit, non peccat: Sed ſi per ſe manſerit, magnum ſibi conquirit honorem apud Dominum. [t] Aug. de Bono Viduitatis. cap. 12. Nec ullas nuptias audeo damnare, nec eis verecundiam numeroſitatis auferre, &c.

her Husband liveth. He ſaid not, the firſt Husband, or the ſecond, or the third, or the fourth; but, *The Woman is bound as long as her Husband liveth: But if her Husband be Dead, ſhe is at Liberty to be married to whom ſhe will; only in the Lord. But ſhe is happier, if ſhe ſo abide.* I ſee not what can be added to, or taken from this Sentence. Our LORD himſelf did not condemn the Woman that had had ſeven Husbands. And therefore I dare not out of my own Heart, without the Authority of Scripture, condemn any Number of Marriages whatſoever. But what I ſay to the Widow that has been the Wife of one Man, the ſame I ſay to every Widow, Thou art happier if thou ſo abideſt. *Epiphanius* had Occaſion to diſpute the Matter both againſt the *Montaniſts* and *Novatians*; where he ſays [*u*], The *Montaniſts* were of the Number of thoſe who forbid Men to marry, rejecting all ſuch as were Twice marry'd, and compelling them not to take a ſecond Wife: Whereas the Church impoſed no Neceſſity on Men, but only counſelled and exhorted thoſe that were able, laying no Neceſſity upon the Weak, nor rejecting them from Hopes of Eternal Life. In like manner he blames the *Novatians* [*x*] for making the Rule which was given to the Clergy, to be the Husband of one Wife, extend to all: Whereas it was lawful for the People, after the Death of a firſt Wife, to marry a ſecond. For though he who was content with one Wife, was had in more Honour and Eſteem by the Church: Yet the Scripture did not condemn him who marry'd a Second after the Death of the Firſt, or after a Divorce made for Fornication or Adultery or any ſuch Cauſe; neither did it reject him from the Privilege of Church-Communion or Eternal Life. And it is certain the great

[*u*] Ep. Hær. 48. n. 9. [*x*] Id. Hær. 59. n. 4.

great Council of *Nice* [y] thus determined the Matter againſt the *Novatians*, requiring them upon their Return to the Church, to make Profeſſion in Writing, that they would ſubmit to the Decrees of the Catholick Church, particularly in this, that they would διγάμοις κοινωνεῖν, communicate with *Digamiſts*, or thoſe that were Twice married. So that whatever private Opinions ſome might entertain in this Matter, or whatever private Rules of Diſcipline there might be in ſome particular Churches in Relation to *Digamiſts*; it is evident the general Rule and Practice of the Church was not to bring ſuch under Diſcipline, as guilty of any Crime, which at moſt was only an Imperfection in the Opinion of many of thoſe who paſſed an heavier Cenſure on it. As for ſuch as plainly condemned ſecond, third, or fourth Marriages, as Fornication or Adultery, I ſee not how they can be juſtified, or reconciled to the Practice of the Catholick Church: And therefore I leave them to ſtand or fall by themſelves, and go on with the more unconteſted Diſcipline of the Church againſt ſome other Practices of Uncleanneſs.

Sect. 8. *Of Raviſhment.*

AMONG which they ſet a peculiar mark upon Raviſhment, that is, uſing Force and Violence to Virgins and Matrons to compel them to commit Uncleanneſs. *Conſtantine* in one of his Laws [z] condemns all Sorts of Raptors to the Flames, as well thoſe that raviſhed Virgins againſt their Wills, as thoſe that ſtole them with their own Conſent againſt the Will of their Parents. And though *Conſtantius* a little moderated the Puniſhment, yet he ſtill made it a Capital Crime,

[y] Conc. Nicen. can. 8. de Raptu Virginum. Leg. 1.

[z] Cod. Th. Lib. 9. Tit. 24.

Crime, to be puniſhed with Death [*a*]: And in Caſe a Slave was concerned in it, he was left to the Severity of the former Law, to be burned alive. *Jovian* alſo made it a Capital Crime [*b*] for any one not only to commit a Rape upon a conſecrated Virgin, but to ſollicit her to marry either willingly or unwillingly againſt the Rules of her Profeſſion. The Laws of the Church could inflict no ſuch Puniſhment, but when there was Occaſion, they drew the ſpiritual Sword againſt them. If any one offers Violence to a Virgin not eſpouſed to him, let him be excommunicated, ſay the *Apoſtolical Canons* [*c*]; neither ſhall he take any other Wife, but her whom he has ſo detained, although ſhe be poor. St. *Baſil* condemns [*c*] thoſe who are guilty of committing Rapes upon Virgins, to four Years Penance, as Fornicators. Where by a Rape he means the loweſt Degree of it, that is, ſtealing a Virgin eſpouſed to another Man, and detaining her againſt her Father's Conſent. In which he alſo orders [*e*], Not only the Raptor to be excommunicated, but alſo his Family, and the Place or Village where he dwelt, if they were Accomplices, or aiding and aſſiſting to him in his Uſurpation. From whence we may infer, That if ſtealing and detaining a Virgin with her own Conſent was thus puniſhable; the defiling of her by Violence was a more heinous Crime, and cenſured with greater Severity in the Diſcipline of the Church.

WHAT

[*a*] Ibid. Leg. 2. [*b*] Cod. Theod. Lib. 9. Tit. 25. de Raptu vel Matrimonio Sanctimonialium. Leg. 2. Si quis, non dicam rapere, ſed vel adtemptare Matrimonij jungendi cauſa ſacratas Virgines, vel invitas, auſus fuerit, Capitali ſententia ferietur. *See alſo* Juſtin. Novel. 14. Ne ſint Lenones. [*c*] Canon Apoſt. 67. [*d*] Baſil. can. 22. [*e*] Baſil. Epiſt. 244.

Sect. 9. *Of unnatural Impurities.*

WHAT has hitherto been ſaid, relates to the Violation of the Laws of Chaſtity in the ordinary Courſe of Nature. Beyond which there were ſome monſtrous Impurities, conſiſting in the ſeveral Species of unnatural Uncleanneſs; ſuch as the Defilement of Men with Brutes, commonly called Beſtiality; and the Defilement of Men with Men, working that which is unſeemly, after the manner of *Sodom*; and the Defilement of Mens own Bodies with themſelves by voluntary Self-Pollution. *Tertullian* [*f*] calls all theſe, impious Furies of Luſt, which make Men change the natural Uſe of the Sex, into that which is againſt Nature; on which the Church laid an uncommon and ſingular Puniſhment, excluding them not only from all Parts of the Church, but from the very firſt Entrance of it; becauſe they were not ordinary Crimes, but Monſters. The Council of *Ancyra* has two Canons relating to theſe Crimes, the firſt of which orders, That they who are guilty of Beſtial Luſts before they are Twenty Years [*g*] old, be Proſtrators Fifteen Years, and after that communicate in Prayers only for Five Years; but if they exceed that Age, and be marry'd when they fall into this Sin, they are to be Proſtrators Twenty-five Years, and Five Years after communicate in Prayers only; if they are above Fifty Years old, and be marry'd, they are to do Penance all their Lives, and only communicate at the Point of Death. The next Canon orders [*h*], That they who are guilty of Beſtial

[*f*] Tertul. de Pudicit. cap. 4. Reliquas autem Libidinum Furias impias & in corpora, & in ſexus ultra jura naturæ, non modo limine, verum omni Eccleſiæ tecto ſubmovemus, quia non ſunt Delicta, ſed Monſtra. [*g*] Conc. Ancyr. can. 16.

[*h*] Ibid. can. 17. τὸν ἀλογευσαμένης καὶ λεπρὸς ὄνλας, ἤτοι λεπρώσανλας, τέτυς περέταξεν ἡ ἁγία σύνοδος εἰς τὸς χρόνους ἔυχεσθαι.

Beſtial Luſts, and are Leprous (that is, infect others by tempting and teaching them to commit the ſame Sin) ſhould pray εἰς τὸν χειμαζομένους, *inter Hyemantes*, that is, either among the Demoniacks, or thoſe that were expoſed to the Weather without the Walls of the Church. *Suicerus* [*i*] thinks this Canon is to be underſtood of thoſe that were infected with the corporal Diſeaſe of Leproſy, who by the old Law were removed without the Camp; but it is more probable it means the ſpiritual Leproſy of thoſe who infected others with the Contagion of the ſame beaſtly Sins, and taught or tempted them to commit the ſame Unncleanneſs. For otherwiſe, *Leproſy* under the *Goſpel*, would not deſerve the Extremity of Puniſhment, but Commiſeration and Mercy. St. *Baſil* impoſes [*k*] the Penance of Adulterers, that is, Twenty Years Penance, both upon thoſe that abuſe themſelves with Beaſts, and thoſe that abuſe themſelves with Mankind. And ſometimes he lengthens [*l*] the Term to Thirty Years, comparing theſe Sins with Murder, Idolatry, Witchcraft and Adultery; which, he ſays, all deſerve the ſame Puniſhment. The Council [*m*] of *Eliberis* impoſes a ſeverer Puniſhment upon thoſe that ſo abuſe Boys to ſatisfy their Luſts. For ſuch are deny'd Communion even at their laſt Hour. The Laws of the old *Romans* had provided no ſufficient Remedy for theſe Corruptions. There was an old Law, called, the *Lex Scantinia*, mentioned by *Juvenal* [*n*] and ſome others: But it lay dormant for many Ages, till the Chriſtian Emperors came to revive it. The frequent

[*i*] Suicer. Theſaur. Eccleſ. voce λεπρὸς T. 2. p. 226.
[*k*] Baſil. can. 62, & 63. [*l*] Ibid. can. 7. Vid. Greg. Nyſſen. can. 4. [*m*] Conc. Eliber. can. 71. Stupratoribus Puerorum nec in fine dandam eſſe Communionem. [*n*] Juvenal. Sat. 2. verſ. 44. Valer. Maxim. Hiſt. Lib. 6. cap. 1.

quent Complaints that are made by the Chriſtian Writers of the Three firſt Ages, *Clemens Alexandrinus* [o], *Juſtin Martyr* [p], *Tatian* [q], *Minucius Felix* [r], *Tertullian* [s], *Cyprian* [t] and *Lactantius* [u], ſufficiently ſhew, that theſe Vices were practiſed with Impunity among the Heathen. The Law made againſt them was only a Pecuniary [x] Mulct; and that was very rarely put in Execution againſt them. *Suetonius* [y] ſays, *Domitian* in the firſt and good Part of his Reign condemned ſome few Offenders by this Law: But the Diſtemper grew ſo raging and inveterate afterwards, that *Alexander Severus*, a much better Prince, durſt not effectually ſet about the Cure of it, as *Lampridius* [z] teſtifies in his Life. After him *Philip* the Emperor, who by ſome is called a Chriſtian, made a new Law to forbid it; but the main Buſineſs devolved at laſt upon thoſe that were more undoubtedly Chriſtians. Among whom *Conſtantius* [a] by one of his Laws extant in both the *Codes*, made it a Capital Crime, and ordered it to be puniſhed with Death by the Sword.

Theodoſius

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[o] Clem. Pædagog. Lib. 1. c. 3. [p] Juſtin. Apol. 2. p. 50, & 67. [q] Tatian. Orat. ad Græcos. p. 165. ad calcem Juſtini. [r] Minuc. Octav. p. 68. [s] Tertul. de Monogam. cap. 12. Lib. 1. ad Nation. c. 16. [t] Cypr. ad Donat. p. 6. [u] Lactant. Lib. 5. cap. 9. [x] Vid. Quintilian. Inſtit. Lib. 4. cap. 2. p. 187. Decem millia, quæ pœna Stupratori conſtituta eſt, &c. [y] Sueton. Vit. Domit. cap. 8. Quoſdam ex utroque ordine Lege Scantinia condemnavit. [z] Lamprid. Vit. Alex. Severi. p. 350. Habuit in animo ut exoletos vetaret, quod poſtea Philippus fecit; ſed veritus eſt, ne prohibens publicum dedecus in privatas cupiditates converteret; cum homines illicita magis poſcant, prohibitaque furore perſequantur. [a] Cod. Theod. Lib. 9. Tit. 7. ad Legem Juliam de Adulteris. Leg. 3. Cum vir nubit in feminam—— ubi Venus mutatur in alteram formam—— jubemus inſurgere Leges, armari jura gladio ultore, ut exquiſitis pœnis ſubdantur infames.

Theodoſius [*b*] added to the Penalty by a ſeverer Sanction, ordering, That ſuch as were found guilty of this unnatural Vice, ſhould be burnt alive in the Preſence of all the People. Thus the *Civil* and *Eccleſiaſtical Laws* combined together to exterminate all Sorts of Uncleanneſs; deterring Men from ſuch Acts of Impurity, as were a Scandal to the Chriſtian Profeſſion, by ſuch Penalties, Temporal and Spiritual, as were thought moſt proper to be inflicted in order to reſtrain them.

Sect 10. *Of maintaining and allowing Harlots.*

NEITHER was it only the direct and immediate Acts of Uncleanneſs they thus cenſured and puniſhed, but all other Acts that opened and prepared the Way to them. Of which Kind, the maintaining or encouraging of Harlots, publickly or privately, was always reckoned a moſt infamous Practice. Great Complaints have been made by Writers [*c*] of divers Kinds of the Licentiouſneſs of many modern Popes in granting Tolerations at *Rome* to ſuch lewd and wicked Practices, and receiving annual Penſions for the Toleration of them. But the ancient Laws, both *Civil* and *Eccleſiaſtical*, were far from ſuch Abuſes. Heathen *Rome* in this Reſpect was more Chaſt and Modeſt, than the Modern Papacy. For even there we find a Law, recorded [*d*] out of *Papinian* in the *Pandects*, That whoever

[*b*] Ibid. Leg. 6. Hujuſmodi ſcelus expectante populo flammis vindicibus expiabunt. [*c*] Vid. Zepper. Legum Moſaicar. Explanat. Lib. 4. cap. 18. p. 457.
Agrippa de Vanit. Scientiar. cap. 64.
Mornæi Myſter. Iniquit. p. 1310.
Weſſelus Gronigenſ. de Indulgentiis Papalibus. ap. Mornæ. ibid. [*d*] Pandect. Lib. 48. Tit. 5, ad Legem Juliam de Adulteris. Leg. 8. Qui domum ſuam, ut ſtuprum adulteriumve

ever wittingly let his Houſe be the Place to commit Fornication or Adultery with another Man's Wife, or any Defilement with Mankind, or made any Gain of the Adultery of his own Wife, ſhould be puniſhed as an Adulterer, of whatever Condition he was. And it is remarkable in the Laws of *Conſtantine* [e], That a Man was allowed to put away his Wife, not only if ſhe was an Adultereſs herſelf, but if ſhe was a Conciliatrix, a Pander or Procurer of Adultery in others. By the Laws of *Theodoſius Junior* [f], If any Parent or Maſter proſtituted his Daughter or his Maid-Slave, they were to forfeit all Right of Dominion over them: The Parties ſo compelled might Appeal to the Biſhop of the Place, or the Judge, or the Defenſor, and require their Aſſiſtance or Protection; and if after that, their Superiors, Maſter or Father would go on as Panders ſtill to compel them, their Goods were to be confiſcated, and their Perſons baniſhed and ſent to the Mines. *Socrates* [g] commends *Theodoſius the Great* for another good Law, whereby he demoliſhed the infamous Houſes, commonly called *Seiſtra*, at *Rome*. For till his Time a very evil Cuſtom prevailed there, That when any Woman was taken in Adultery, ſhe was condemned by

teriumve cum aliena matre familias, vel maſculo fieret, ſciens præbuerit, vel quæſtum ex adulterio uxoris ſuæ fecerit, cujuſcunque ſit conditionis, quaſi adulter punitur.

[e] Cod. Theod. Lib. 3. Tit. 16. de Repudiis. Leg. 1. In maſculis etiam, ſi repudium mittant, hæc tria crimina inquiri conveniet, ſi Mœcham, vel Medicamentariam, vel Conciliatricem repudiare voluerit. [f] Cod. Juſtin. Lib. 11. Tit. 40. de Spectaculis & Scenicis & Lenonibus. Leg. 6. Lenones Patres & Dominos, qui ſuis filiabus vel ancillis peccandi neceſſitatem imponunt, nec jure frui dominij, nec tanti criminis patimur libertate gaudere, &c. Vid. Cod. Theod. Tit. 8. de Lenonibus. Leg. 2. [g] Socrat. Lib. 5. cap. 18.

Way of Puniſhment to be a common Proſtitute in the publick Stews: Which kind of Puniſhment, as *Socrates* truly remarks, did no ways contribute towards her Amendment, but only compelled her to add Sin to Sin. Therefore *Theodoſius* in his Zeal for the Piety and Purity of the Chriſtian Religion, aboliſhed this impudent and ſcandalous Puniſhment; providing other Penalties for Adultery, and deſtroying theſe infamous Houſes out of *Rome*. *Theodoſius Junior* did the ſame good Service at *Conſtantinople* by a new Law, ordering [*h*] all Panders, who kept infamous Houſes, to be publickly whipped and expelled the City, and that all their Slaves, whom they kept for ſuch vile Purpoſes, ſhould be ſet at Liberty. And whereas hitherto theſe Wretches had kept up their Trade in ſpite of former Laws, under Pretence of paying a certain annual Tax to the Government out of their infamous Gain; *Theodoſius* abrogated this Tax; and in Lieu of it one *Florentius* a Nobleman, by whoſe pious Advice the Emperor did this, gave an equivalent out of his own Eſtate to the Exchequer, that there might be no Deficiency or Damage accruing to the publick Revenue, which might afterwards be uſed as a Plea to grant theſe Miſcreants a new Toleration. Thus theſe pious Emperors laboured to extirpate this abominable Vice out of their two great Capitals. And when ſome Remainders of it continued notwithſtanding all their Endeavours, *Juſtinian* reſumed the Matter, reviving and confirming all the preceding Laws by a new Edict [*i*] of his own, and augmenting the Puniſhments ſpecified in them, to root out this abominable Way of making Proviſion for Lewdneſs

[*h*] Theodoſ. Novel. 18. de Lenonibus, ad calcem Cod. Theod. [*i*] Juſtin. Novel. 14.

neſs throughout his whole Empire. As to the *Eccleſiaſtical Laws*, there is no Crime they puniſhed more ſeverely than this. As may be eaſily collected from the Canons of the Council of *Eliberis*; one of which [*k*] orders, "That if a Father or a "Mother or any Chriſtian exerciſe the Trade of a "Pander, foraſmuch as they ſet to Sale the Body "of another, or rather their own, they ſhall not "be received to Communion, no not at their laſt "Hour. And another [*l*] decrees, That if a "Woman commit Adultery by the conſent of her "Husband, they ſhall be rejected even to the laſt. The Reaſon of this is grounded upon what [*m*] *Tertullian* obſerves of the Law prohibiting Fornication, that it equally forbids any one to be aiding or aſſiſting or conſcious to another in the Practice of it. For what I may not do myſelf, I may not be inſtrumental to have it done by others. And therefore by the ſame Reaſon that I keep my own Body from the common Stews, I own myſelf obliged, neither to promote that infamous Trade, nor raiſe any Gain by or for others by ſuch vile Practices. *Albaſpiny* rightly obſerves from the forementioned Canons, that this Crime was eſteemed greater than Fornication and Adultery itſelf: Becauſe Adulterers were received to the Peace of

[*k*] Conc. Eliber. can. 12. Mater vel parens vel quælibet Fidelis, ſi Lenocinium exercuerit; eo quod alienum vendiderit corpus, vel potius ſuum, placuit eas nec in fine accipere communionem. [*l*] Ibid. can. 70. Si conſcio marito fuerit mœchata uxor, placuit nec in fine dandam ei eſſe communionem. [*m*] Tertul. de Idololat. cap. 11. Nam quòd mihi de ſtupro interdictum ſit, aliis ad eam rem nihil aut Operæ aut Conſcientiæ exhibeo. Nam quod ipſam carnem meam à Lupanaribus ſegregavi, agnoſco me neque Lenocinium, neque id genus lucrum alterius cauſa exercere poſſe.

the Church after a certain Term of Penance, but this Crime was denied Communion to the very laſt.

Sect. 11. *Of writing and reading laſcivious Books.*

ANOTHER Way of promoting Uncleanneſs was the Writing or Reading laſcivious or obſcene Books and Plays, than which there is no greater Incentive or Provocation to Impurity. And therefore as the Ancients burned and aboliſhed all Sorts of heretical Books, that they might not corrupt the Faith; ſo they equally forbad the Writing or Reading all other pernicious Books, which tended to debauch the Morals of Chriſtians, and ſeverely cenſured the Authors of them, if any ſuch were compoſed by Chriſtian Writers. *Socrates* [n] ſays, *Heliodorus* a *Theſſalian* Biſhop, when he was a young Man, wrote a laſcivious Romance, called his *Ethiopicks*; which, others [o] tell us, occaſioned a Cenſure to be paſſed upon him, when he was Biſhop, and he was deprived of his Biſhoprick becauſe he would not recant it. For the ſame Reaſon they utterly diſcouraged the Reading of ſuch Heathen Books, as were ſtuffed with Impurities; and ſome Canons were made to prohibit the Clergy eſpecially from converſing with ſuch Writers, of which I have given a more ample Account [*] in a former Book.

Sect. 12. *Frequenting of the Theatre and Stage-Plays forbidden upon this Account.*

THEY are equally ſevere in their Invectives againſt all Frequenters of the Theatre and publick Stage-Plays upon the ſame Account: Becauſe theſe were the great Nurſeries of Impurity, where Inceſt and

[n] Socrat. Lib. 5. cap. 22. [o] Nicephor. Hiſt. Lib. 12. cap. 34. [*] Book VI. Chap. iii. n. 4.

and Adultery were repreſented with abominable Obſcenity, and in a manner acted over again, to corrupt the Spectators by their Contagion and Example. Here, as *Cyprian* ſays, Adultery was learned [p] by ſeeing it acted; Provocations to Vice were ſo much the ſtronger, becauſe they were recommended by the Authority of great Examples; the Matron which perhaps came Chaſt to the Theatre, returned back with a contrary Diſpoſition. The very Geſtures of the Actors were enough to corrupt Mens Morals, being Fomenters of Vice, and Purveyors of Nutriment for corrupt Diſtempers. *Venus* they repreſented in all her lewd Behaviour, *Mars* as an Adulterer; and their *Jupiter* no leſs a Prince in his Vices, than in his Kingdom, burning with his Thunderbolts in earthly Amours, ſometimes ſhining in the Plumes of a Swan, ſometimes deſcending in a golden Shower, and ſometimes ſending out his Eagles to fetch him a beautiful *Ganymede*. Conſider now whether a Spectator can be Innocent and Chaſt in viewing ſuch Sights as theſe. Men imitate the Gods which they Worſhip, and by this Means become more wretched, becauſe their very Vices are conſecrated into Religion. He ſpeaks this againſt the Heathen-Spectators, but the Main of his Arguments will equally hold againſt the Chriſtian. For the Theatres by Reaſon of their Impurities were Places of unavoidable Temptation; the Devil's own Ground, his own Property and Poſſeſſion; as *Tertullian* [q] ſays, the Devil once called them, when being asked by a Chriſtian Exorciſt, in the Caſe of a Woman who was ſeized by him at the Theatre, how he durſt preſume to poſſeſs a Chriſtian, he anſwered confi-

[p] Cypr. ad Donat. p. 6. [q] Tertul. de Spectac. cap. 26

dently, I had a Right to do it, for I found her upon my own Ground. *Tertullian* [r] ſays farther, That the Theatre is properly the Temple of *Venus* upon a double Account, both becauſe it was the School of Laſciviouſneſs, and becauſe when *Pompey* built his famous Theatre, he was forced to ſet the Temple of *Venus* upon it, for Fear the *Roman* Cenſors ſhould demoliſh it, as they had done ſome others, in their Concern for the Morals of the People, which they were ſenſible were corrupted by the Poyſon and Infection of the Theatres, which were nothing elſe (in the Opinion of the more Grave and Sober *Romans*) but the Citadel and Fortreſs of all impure and laſcivious Practices. For this Reaſon therefore, as well as becauſe they were accompany'd with idolatrous Rites, *Tertullian* and all the Ancients declaim againſt them, and forbid Chriſtians to frequent them, under Pain of being deemed guilty of all the Impurities of the Place, and Partakers of all the Lewdneſs committed in them. As this was one Part of their Baptiſmal Renunciation, where the Impurities of the Stage were virtually renounced in Renouncing the Pomps [*] of Satan: So it was neceſſary for a Chriſtian to abſtain from them as a Spectator, for Fear of loſing his Title to Chriſtian Communion, and being accounted a Renegado to his firſt Profeſſion. It is certain it was ſo in the Time of *Tertullian*, and when the Author of the *Conſtitutions* [s] drew up his *Collections*. But in after-Ages, becauſe the *Civil Law* allowed the Interludes of the Theatre for the Diverſion of the People, when they were purged from Idolatry, but not from Lewdneſs; the Fathers contented themſelves to declaim againſt them with ſharp Invectives, and correct

[r] Ibid. cap. 10. [*] *See* Book XI. Chap. vii. n. 2.
[s] Vid. Conſtit. Lib. 8. cap. 32.

correct that reigning Humour by ſerious Admonitions, which the Iniquity of the Times would not ſuffer them to do by the more exact and primitive Diſcipline of the Church. Any one that will conſult St. *Chryſoſtom*'s [*t*] or *Cyril*'s *Catechiſms* [*u*], or *Salvian* [*x*], may find this Obſervation true, that though the Canons did not now make it peremptory Excommunication for a Man to frequent the Theatre, yet the Fathers inveighed as ſharply as ever againſt it, for the Impurity and Corruption of Morals that were the natural Conſequences of it. There was anciently a famous Sight or Play, call'd *Maiuma*, a conſiderable Part of which Diverſion was, to ſee infamous Strumpets ſwim naked in the Water. Whence Learned Men obſerve, it had its Name: For *Maiuma* in the *Syriack* Tongue, ſignifies Water. *Gothofred* [*y*] obſerves, and *Pagi* [*z*] after him, That the People were ſo eagerly bent and inclined to this obſcene Diverſion, that though there were good Reaſons for aboliſhing it, yet the *Imperial Laws* from *Conſtantine* to *Arcadius* varied eight times about it; ſometimes allowing, and ſometimes reſtraining it; till at laſt *Arcadius*, who had at firſt permitted it, revoked his Licence, and finally aboliſhed it; allowing other Sports for the Diverſion of the People, but denying them this, as a baſe and unſeemly [*a*] Spectacle. And under that Character, St. *Chryſoſtom* [*b*] and others, with their utmoſt Force and Vehemence declaim againſt it.

[*t*] Chryſ. Hom. 6. in Mat. Hom. 73. de S. Barlaam T. 1. p. 893. Hom. 15. ad Pop. Antioch. ibid. p. 190. [*u*] Cyril. Cat. Myſt. 1. n. 4. [*x*] Salvian. de Provid. Lib. 6. p. 197. [*y*] Gothofr. Com. in Cod. Theod. Lib. 15. Tit. 6. de Maiuma. Leg. 2. [*z*] Pagi. Critic. in Baron. Vol. 2. an. 399. n. 5. [*a*] Cod. Th. Lib. 15. Tit. 6. de Maiuma. Leg. 2. Maiumam fædum atque indecorum ſpectaculum denegamus. [*b*] Chryſ. Hom. 7. in Mat. p. 71.

Sect. 13. *As also all Excess of Riot and Intemperance for the same Reason.*

FOR the same Reason they made sharp Invectives against Luxury, and Riot, and Intemperance, not only as they were Crimes in themselves, but as they were the Avenues and Inlets to the greater Sins of Uncleanness. And therefore though they did not punish every single Act of Drunkenness and Excess with Excommunication, yet they thought it proper to bring Habits and Customs of such Sins under publick Discipline and Censure. It is an Observation of *Tertullian* [c], and a very true one, That Drunkenness and Lust are two Devils combining and conspiring together. *Bacchus* and *Venus* are nearly ally'd, and too well agreed. "Drunkenness, says one "of the ancient Canons [d], is the Fomenter and "Nurse of all Vices." And therefore it was ordered, That if any Clergyman of the lowest Degree was found guilty of any single Act of it, he should either be suspended from Communion for Thirty Days, or be subject to corporal Punishment for his Offence. This we find decreed in the Councils of *Agde* and *Vannes*, as a standing Rule in the *French* Church. And there goes a Decree under the Name of Pope *Eutychian* [e], which makes the Habit of Drunkenness Matter of Excommunication to a Layman also, till he break off the Custom by Reformation and Amendment.

[c] Tertul. de spectac. cap. 10. Veneri & Libero convenit. Duo ista Dæmonia conspirata & conjurata inter se sunt, Ebrietatis & Libidinis. [d] Conc. Venetic. can. 13. Ebrietas omnium vitiorum fomes ac nutrix est. —— Itaque Clericum quem ebrium esse constiterit, aut triginta dierum spatio a Communione statuimus submovendum, aut corporali subdendum esse supplicio. Vid. Conc. Agathen. can. 41, iisdem verbis.

[e] Eutychian. Decret. ap. Crab. T. 1. p. 180. Qui Ebrietatem vitare noluerit, excommunicandum esse decrevimus usque ad congruam emendationem. Vid. Can. Apostol. 42, & 43.

ment. But it must be owned, this Vice was sometimes so general and epidemical, that the Numbers of Transgressors made the Exactness of Discipline impracticable. St. *Austin* [f] complains and laments, that it was so in *Africk* in his Time. Though the Apostle had condemned Three great and detestable Vices in one Place, *viz.* Rioting and Drunkenness, Chambering and Wantonness, Strife and Envying: Yet Matters were come to that pass with Men, that Two of the Three, Drunkenness and Strife, were thought tolerable Things, whilst Wantonness only was esteemed worthy of Excommunication; and there was some Danger that in a little Time the other Two might be reputed no Vices at all. For Rioting and Drunkenness was esteemed so harmless and allowable a Thing, that Men not only practised it in their own Houses every Day, but in the Memorials of the holy Martyrs on solemn Festivals, and that in pretended Honour to the Martyrs also; which was a Thing that every one must needs lament, who did not look with carnal Eyes upon it. It is plain, St. *Austin* thought an habitual Course of Rioting and Drunkenness a Crime deserving Excommunication, as well as Fornication and Adultery; but yet in Regard to the great Numbers that were given to this Sin, his Advice to *Aurelius* the Metropolitan of *Africk*, is, [g] That it should be cured not with Asperity and Roughness, nor in the imperious Way, but by Teaching rather than Commanding, and by Admonition rather than Commination.

[f] Aug. Ep. 64. ad Aurelium. [g] Aug. ibid. Non ergo aspere, quantum existimo, non duriter, non modo imperioso ista tolluntur, magis docendo quam jubendo, magis monendo quam minando. Sic enim agendum est cum Multitudine; severitas autem exercenda est in peccata paucorum.

mination. For ſo we muſt deal with a Multitude; but the Severity of Diſcipline is only to be exerciſed upon Sins, when the Number of Sinners is not very great. So that we may conclude, That Rioting and Drunkenneſs was one of thoſe great Crimes for which Men were put to do publick Penance in the Church, except when the Multitude and Combination of Sinners made it not feaſible, and obliged the Church to take other Meaſures to correct it.

Sect. 14. *And promiſcuous Bathing of Men and Women together.*

IT muſt alſo be noted upon this Head, That as a Preſervative of Modeſty and Chaſtity, both the *Canon* and *Civil Law* prohibited Men and Women to go promiſcuouſly into the ſame Baths together. Let not a Woman go to waſh in the ſame Bath with Men, ſays the Author [*b*] of the *Conſtitutions*. And the Council of *Laodicea* [*i*], Neither Clergyman, nor *Aſcetick*, nor Layman, ſhall waſh in the ſame Bath with Women: For this is extremely ſcandalous, and culpable even among the *Gentiles*. The Council of *Trullo* [*k*] repeats this Canon Word for Word, and then adds in the Cloſe, If any Clergyman be found guilty of this Practice, he ſhall be depoſed; if a Layman, let him be excommunicated. The Obſervation made in theſe Canons, That this was a ſcandalous Crime even among the Heathens, is confirmed out of the old *Roman* Laws and Writers. *Varro* [*l*] ſays, The ancient Baths were divided into two diſtinct Buildings or Apartments, one for the

[*b*] Conſtit. Lib. 1. cap. 9. ἀνδρόγυνον πίσῃ γυνὴ μὴ λουέσθω.
[*i*] Conc. Laodic. can. 30. [*k*] Conc. Trull. can. 77.
[*l*] Varro de Lingua Latin. Lib. 8. p. 115. Publice bina conjuncta ædificia lavandi cauſa; unum ubi viri, alterum ubi mulieres lavarentur.

the Men, and the other for the Women to waſh in. And the ſame Account is given by *Vitruvius* [*m*] and *Chariſius*, and other Writers. And when the Degeneracy of the following Ages began to confound this Diſtinction, *Spartian* [*n*] ſays, *Adrian* made a Law againſt promiſcuous Bathing. And *Julius Capitolinus* [*o*] ſays the ſame of *Antonnius Philoſophus*. Nay, the old *Romans* were ſo careful to preſerve Modeſty in this Matter, that *Tully* [*p*] ſays, They did not allow a Son to bath with his Father, nor a Son-in-Law with his Father-in-Law: Nature itſelf teaching Men, that there was a Decency to be obſerved in making ſuch Diſtinctions. And the ſame Thing is related by *Valerius Maximus* [*q*] and much commended by St. *Ambroſe* [*r*]. Now the Caſe ſtanding thus even among the Heathens, it would have been extremely ſcandalous for the Chriſtians to have permitted promiſcuous Bathing; and therefore they prohibited it by their *Eccleſiaſtical Laws* under the ſevere Penalty of Excommunication. And the *Imperial* [*s*] *Laws* of *Juſtinian* carry'd the Matter a little farther. For among other lawful Cauſes of Divorce, authorizing a Man to put away his Wife, he allows this to be one, If a Woman be ſo intemperate and Luxurious as

[*m*] Vitruvius de Architect. Lib. 5. cap. 20. Chariſius Grammat. Lib. 1. ap. Savaro. Not. in Sidonium. Lib. 2. Ep. 2. Et Dempſter Paralipomena ad Roſini Antiq. Rom. Lib. 1. c. 14.

[*n*] Spartian. Vit. Adrian. p. 25. Lavacra pro ſexibus ſeparavit. [*o*] Capitol. Vit. Antonin. p. 90. Lavacra mixta ſubmovit. [*p*] Cicer. de Offic. Lib. 1. n. 129. Noſtro quidem more cum parentibus puberes filii, cum ſoceris generi non lavantur. Retinenda eſt igitur hujus generis Verecundia, præſertim Natura ipſa magiſtra & duce. [*q*] Valer. Max. Lib. 2. cap. 1. n. 7. [*r*] Ambroſ. de Offic. Lib. 1. cap. 18.

[*s*] Cod. Juſtin. Lib. 5. Tit. 17. de Repudiis. Leg. 11. Inter culpas viri & uxoris conſtitutionibus enumeratas, & has adjicimus, ſi forte uxor ita luxurioſa eſt, ut commune Lavacrum cum Viris libidinis cauſa habere audeat. Vid. Novel. 22. c. 16.

as to go into a common Bath with Men. Private Writers declaim much againſt it. *Epiphanius* [*t*] condemns it in the *Jews*; and *Cyprian* not only [*u*] cenſures this, but many other Acts of Immodeſty in Virgins, as Painting, and over-nice Dreſſing, and appearing unveiled (againſt which alſo *Tertullian* [*x*] has a whole Diſcourſe) with ſome other Indications of a looſe and unguarded Mind, which need not here be particularly mentioned or farther purſued. I purpoſely alſo paſs over the ſcandalous Practice of ſome, who entertained their *Agapetæ*, or Love-Siſters, as they called them, with Profeſſions of the ſtricteſt Innocence and Vertue; becauſe I have formerly had Occaſion to ſhew with what Severity the ancient Rules [*] condemned this as a moſt ſuſpicious and intolerable Practice, and perfectly againſt the Laws of the *Goſpel*, which oblige Men not only to regard the Preſervation of their Innocence, but their Good-Name; *To mind Things that are honeſt*, that is, becoming and honourable, *and of good Report*; *To provide for honeſt Things, not only in the Sight of* GOD, *but alſo in the Sight of Men*; *And to abſtain from all Appearance of Evil.* In Regard to which Precepts, the ancient Rules not only cenſured open Fornication and Adultery, but all ſuch indecent Actions, as had any Tendency toward them, or were juſtly liable to Suſpicion, and gave Occaſion to the Adverſary to ſpeak reproachfully of that Holy Religion, the Honour of which, Chriſtians were obliged to maintain in all Purity, as well in Word, as outward Converſation; avoiding this, that no one ſhould blame them, and managing their whole Deportment with Innocence and

[*t*] Epiph. Hær. 30. Hebionit. n. 7. [*u*] Cypr. de Habitu Virginum. p. 100, &c. [*x*] Tertul. de Veland. Virgin.
[*] Book VI. Chap. ii. n. 13.

and Prudence, to anſwer thoſe great Precepts of the Goſpel, *Give no Offence, neither to the* Jew, *nor to the* Gentile, *nor to the Church of God:* And, *So let your Light ſhine before Men, that they may ſee your good Works, and glorify your Father which is in Heaven.*

Sect. 15. *And promiſcuous and laſcivious Dancing, Wanton Songs,* &c.

FOR the ſame Reaſon they prohibited all promiſcuous and laſcivious dancing of Men and Women together. The Council of *Laodicea* [*y*] forbids it under the Name of Γαλλίζειν, which ſome interpret playing on Cymbals or other muſical Inſtruments, but more commonly it is underſtood by Learned [*z*] Men as a Prohibition of wanton Dancing at Marriage-Feaſts, againſt which there are ſeveral other Canons of the ancient Councils, and ſevere Invectives of the Fathers. The third Council of *Toledo* [*a*] forbids it under the Name of *Ballimathiæ*, which they interpret wanton Dances, joining them with laſcivious Songs, the Uſe of which they complain of as an [*b*] irreligious Cuſtom prevailing in *Spain* among the common People on the ſolemn Feſtivals; which they order to be corrected both by the Eccleſiaſtical and Secular Judges.

[*y*] Conc. Laodic. can. 53. [*z*] Suicer. Theſaur. Eccleſ. voce Βαλλίζειν. Rivet. in Decalog. p. 338. Stuckius. Antiquit. Convival. Lib. 3. cap. 21. [*a*] Conc. Tolet. 3. in Edicto Regis Reccaredi. Quod Ballimathiæ & turpia Cantica prohibenda ſunt à ſanctorum ſolenniis. [*b*] Ibid. can. 23. Irreligioſa Conſuetudo eſt, quam vulgus per Sanctorum Solennitates agere conſuevit. Populi qui debent Officia Divina attendere, ſaltationibus turpibus invigilant: Cantica non ſolum mala canentes, ſed & religioſorum Officiis perſtrepentes. Hoc etenim ut ab omni Hiſpania depellatur, Sacerdotum & Judicum à Concilio ſancto curæ committitur.

Judges. The Council of *Agde* [c] forbids the Clergy to be preſent at ſuch Marriages, where obſcene Love-ſongs were ſung, or obſcene Motions of the Body were uſed in Dancing. And by another Canon [d], If they uſe any Scurrility or filthy Jeſting themſelves, they are to be removed from their Office. The like Canons occur in the Council of *Lerida* [e] and ſome others, forbidding to ſing or dance at Marriages, but feaſt with Modeſty and Gravity, as becomes Chriſtians. St. *Ambroſe* excellently deſcribes the Immodeſty of this Sort of Dancing uſed by drunken Women [f]: They lead up Dances, ſays he, in the Streets unbecoming Men in the ſight of intemperate Youths, toſſing their Hair, dragging their Garments flying open, with their Arms uncovered, clapping their Hands, dancing with their Feet, loud and clamorous in their Voices, irritating and provoking youthful Luſts by their theatrical Motions, their petulant Eyes, and unſeemly Anticks and Fooleries. Mean while a Croud of Youth ſtands gazing upon them, and ſo it is a miſerable Spectacle indeed.

ST. *Chryſoſtom* [g] has Abundance to the ſame Purpoſe,

[c] Conc. Agathen. can. 39. Nec his cætibus miſceantur, ubi amatoria cantantur & turpia, aut obſcæni motus corporis Choreis & Saltationibus efferuntur, &c.

[d] Ibid. can. 70. Clericum ſcurrilem & verbis turpibus joculatorem ab Officio retrahendum. [e] Conc. Ilerdenſ. ap. Crab. T. 1. p. 1031. Quod non oporeat Chriſtianos euntes ad nuptias plaudere vel ſaltare, &c.

[f] Ambroſ. de Elia & Jejuniis. cap. 18. Illæ in plateis inverecundos viris ſub conſpectu adoleſcentulorum intemperantium choros ducunt, jactantes comam, trahentes tunicas, ſciſſæ amictus, nudæ lacertos, plaudentes manibus, ſaltantes pedibus, perſonantes vocibus, &c. [g] Chryſ. Hom. 48. in Gen. p. 680. Hom. 56. in Gen. p. 746. Hom. 49. in Mat. p 436. Hom. 12. in Coloſ. p. 1403, &c. Hom. 18. de Scortat. T. 5. p. 272.

Purpoſe, particularly in one of his *Homilies* [*] he declaims againſt it, as one of thoſe Pomps of Satan which Men renounced in their Baptiſm. He ſays, The Devil is preſent at ſuch a Time, being called thither by the Songs of Harlots, and obſcene Words, and diabolical Pomps uſed upon ſuch Occaſions. And in another *Homily* ſpeaking of the dancing of *Herodias*'s Daughter, he ſays, Chriſtians now do not deliver up half a Kingdom, nor another Man's Head, but their own Souls to inevitable Deſtruction. By which it appears that theſe Dancings were Cauſes of great Corruption, being mix'd with ribaldry and laſcivious Songs and wanton Geſtures, which are Incentives to Impurity, and wholly unhinge the Frame of the Chriſtian Temper: For which Reaſon the Ancients are ſo frequent and copious and ſevere in their Invectives againſt them.

Sect. 16. *Alſo promiſcuous Clothing.*

SOME Canons alſo ſeverely condemn the promiſcuous Uſe of Habits, or Men and Women interchanging their Apparel peculiarly appropriated to their different Sex. *Euſtathius* taught his She-Diſciples to wear the Habit of Men under Pretence of Religion; and cut off their Hair upon the like ſuperſtitious Reaſon. But the Council of *Gangra* condemned both theſe Practices, as great Irregularities, confounding the Order of Nature, and laid the heavy Cenſure of *Anathema* upon them. "If any Woman, ſays one "Canon [*b*], under Pretence of leading an *Aſcetick* "Life, change her Apparel, and inſtead of the "accuſtomed Habit of Women take that of Men, "let

[*] Chryſ. Hom. 47. in Julian. Mart. T. 1. p. 613. Hom. 21. de Noviluniis. T. 1. p. 296. [*b*] Conc. Gangren. can. 13.

" let her be *Anathema*. And another [*i*], If any " Woman upon the account of an *Aſcetick* Life " cut off her Hair, which GOD has given her as " a Memorial of Subjection, let her be *Anathema*, " as one that annuls the Decree of Subjection." The Foundation of this Canon was the Order given by St. *Paul*, 1 Cor. xi. *That a Woman ſhould not be ſhorn or ſhaven.* And the Foundation of the former Canon was the Rule given by GOD to the *Jews*, Deut. xxii. 5. *The Woman ſhall not wear that which appertaineth to a Man, neither ſhall a Man put on a Woman's Garment: For all that do ſo, are Abomination to the Lord thy God.* Which the ancient Writers, *Cyprian* [*k*], *Tertullian* [*l*] and many [*m*] others underſtand ſimply and univerſally of Men and Women interchanging Habits, as was uſually done in Stage-plays, which they condemned for this Reaſon as for many others. Some Modern Interpreters [*n*] after *Lyra* [*o*] and *Maimonides* [*p*] think there was a farther Deſign in this Precept, to prohibit the Idolatry of the ancient *Zabij*, in whoſe Magical Books it was commanded that Men ſhould put on the Womens painted Garments, when they ſtood to worſhip before the Star of *Venus*; and that Women ſhould put on the Mens warlike Habit and Inſtruments, when they appeared before the Star of *Mars*. But as the ancient Chriſtian Writers were not acquainted with this Interpretation, we have reaſon to believe they took the Rule in the common and vulgar Senſe, as an univerſal Prohibition of Men and Women interchanging

[*i*] Ibid. Can. 17. [*k*] Cypr. Ep. 62. al. 2. ad. Eucratium.
[*l*] Tertul. de Spectac. cap. 23. [*m*] Vid. Prin. Hiſtriomaſtix.
[*n*] Spencer. de Legib. Hebr. Lib. 2. cap. 17. n. 1.
[*o*] Lyra in Deut. xxii. [*p*] Maimon. More Nevoch, Part III. cap. 37.

changing Habits in all Caſes whatſoever: It being a Thing againſt the Light of Nature and the Laws of Reaſon, as *Diogenes Laertius* [q] words it in the Life of *Plato*, for any one to walk naked in Publick, or for a Man to wear the Woman's Clothing. And for this Reaſon the Ancients prohibited it, as an indecent and ſhameful Thing, and as miniſtring Occaſion to Uncleanneſs even when it was uſed under Pretence of greater Strictneſs in Religion.

Sect. 17. *And ſuſpected* Vigils, *or* Pernoctations *of Women in Churches under Pretence of Devotion.*

AND for the ſame Reaſon the ancient Council of *Eliberis* forbad Women to keep private *Vigils* or Night-watches in the Dormitories, or Churches, becauſe often under Pretence of Prayer and Colour of Devotion. ſecret [r] Wickedneſs had been committed by them. This ſeems to be the moſt rational Account that can be given of the Meaning and Reaſon of this Canon, that it was intended to cut off the Occaſion of Lewdneſs and Uncleanneſs, however artfully diſguiſed under the Mask of greater Strictneſs in Religion; there being nothing that could reflect more Diſhonour on the Chriſtian Name, than the allowing ſuch Opportunities of Sin under the feigned Pretence of Piety and Devotion in their Churches.

[q] Diogen. Laert. Lib. 3. Vita Platon. p. 131. [r] Conc. Eliber. can. 35. Placuit prohiberi, ne fœminæ in Cœmeterio pervigilent; eo quod ſæpe ſub obtentu Orationis latenter ſcelera committant.

CHAP. XII.

Of great Tranſgreſſions of the Eighth Commandment, Theft, Oppreſſion, Uſury, Perverting of Juſtice, Fraud and Deceit in Truſt and Traffick, &c.

Sect. 1. *Of thoſe who taught the Doctrine of Renunciation or having all Things Common.*

THE Deſign of the Eighth Commandment is to ſecure Men in the quiet Poſſeſſion of their own Rights and Properties, or whatever they have a juſt Title to by the Laws of GOD and the Community where they dwell. And therefore as many ways as theſe Rights may be invaded or impaired, ſo many ways there are of committing Robbery and tranſgreſſing this Command. There were in the ancient Church ſome Hereticks, who under Pretence of greater Heights in Religion, would allow no Men to poſſeſs any Thing as their own Right and Property in this World; but obliged all Men to renounce their Title to every Thing, and to have all Things in Common; pronouncing a peremptory Sentence againſt all rich Men, that unleſs they gave up their Poſſeſſions, and forſook all that they enjoy'd, they could not enter into the Kingdom of Heaven. Theſe Men called themſelves *Apotactici*, from renouncing the World; and *Apoſtolici*, from their pretended Imitation of the Apoſtles; and *Encratitæ*, from their Oſtentation of Temperance and Abſtinence above other Men. St. *Auſtin* [*a*] ſays, They would

[*a*] Aug. de Hær. cap. 40. Apoſtolici, qui ſe iſto nomine arrogantiſſime vocaverunt, eo quod in ſuam Communionem

would receive none into their Communion that lived in the conjugal State, or that poſſeſs'd any Thing as their Property in this World; they ſeparated from the Church upon this Account, and would allow no Man to have any Hope of Salvation, that did not practice as they did; and therefore the Church condemned them as Hereticks for laying ſuch a doctrinal Neceſſity upon theſe Things, which were left to every Man's Liberty in Practice. The *Euſtathians* maintained the ſame Doctrine, but the Council of *Gangra* [*b*] condemn'd it as heretical, and anathematized the Authors and Defenders of it. So that this was a general Sort of Invaſion of the Rights and Properties of Mankind, robbing them of every Thing in an unuſual and extraordinary Way, not by any open Violence or ſecret Stealth, but by turning Religion into an Art, and inducing Men to rob themſelves of every thing under Pretence of Piety and greater Heights of Devotion. The Factors and Agents in this Cauſe ſeem not to have had any Deſign to enrich themſelves, but to make all Men Poor, and bring them to a Level, and lay all Things Common: Which was ſuch a ſcandalous Repreſentation of the Chriſtian Religion in the Eyes of the Heathen, that the Fathers thought they could not be too ſevere upon it, however it was coloured over with the Varniſh and Diſguiſe of Holineſs, pretending a great Contempt of the World, and a divine and heavenly Temper. As therefore they condemned

onem non reciperent utentes conjugibus, & res proprias poſſidentes. —— Sed ideo iſti Hæretici ſunt, quoniam ſe ab Eccleſia ſeparantes, nullam ſpem putant eos habere qui utuntur his rebus, quibus ipſi carent. Encratitis iſti ſimiles ſunt, nam & Apotactitæ appellantur.

Vid. Epiphan. Hær. 61. Apoſtolicor. n. 4.

[*b*] Conc. Gangren. in Præfat.

the Doctrine for heretical, ſo they never failed to purſue the Abettors of it with the utmoſt Severity of Eccleſiaſtical Cenſures. And the *Imperial Laws* concurred [*c*] with them, ſubjecting theſe *Apoſtates*, or Renouncers, to all the Civil Penalties that were impoſed upon Hereticks in all other Caſes, except that of Confiſcation of Goods, which ſignified nothing to thoſe, whoſe very Crime conſiſted in a perverſe way of Renunciation of all Things, which left them nothing to forfeit.

Sect. 2. *Of Plagiary or Man-ſtealing.*

NEXT to this general Sort of Robbery, the Laws ſet a particular Mark upon that which is commonly called *Plagiary*, or Man-ſtealing. The old *Roman Law* condemned ſuch as were guilty of it, either in a pecuniary Mulct, or ſent them to the Mines. But *Conſtantine* thought this was not a ſufficient Puniſhment for the Crime, and therefore he added to it, and made it Capital [*d*], ordering every ſuch Criminal to be thrown to the wild Beaſts in the Theatre, and if they were likely to eſcape with their Lives thence, to be put to Death with the Sword. The *Eccleſiaſtical Laws* appoint no particular Puniſhment for this Crime: But it being of the ſame Nature with Murder in the Law of GOD, it may be ſuppoſed that the Penance of Murderers was inflicted on thoſe that were found guilty of it.

Sect. 3. *Of Malicious Injuſtice.*

I TAKE no Notice here of Sacrilege, becauſe though that be a Species of Theft, yet the Puniſhment of that has been conſidered under

[*c*] Vid. Cod. Theod. Lib. 16. Tit. 5. de Hæret. Leg. 7 & 11. [*d*] Cod. Theod. Lib. 9. Tit. 18. ad Legem Fabiam de Plagiariis. Leg. 1. Beſtiis primo quoque Munere objiciatur, &c.

under [*] another Title. The remaining Sorts of Injuſtice may be ſummed up under theſe four Heads: 1. Malicious Injuſtice. 2. Simple Theft. 3. Open Violence and Oppreſſion. 4. Fraud and Deceit. Malicious Injuſtice is doing Hurt and Prejudice to our Neighbour in his Goods out of pure Hatred and Ill-will, when we can do ourſelves no Benefit or Kindneſs by it. As when Men ſet Houſes or Stacks of Corn on fire out of Malice and Revenge to their Neighbours, or poiſon or kill their Cattle, or do them any the like Injury in their Goods, without reaping any Advantage from it, but only gratifying a ſpiteful and revengeful Temper. The old *Roman Law* adjudges all ſuch to be guilty of Capital Crimes, and particularly thoſe whom they term Incendiaries [*f*], who ſet Towns on Fire, either out of Enmity, or to make Plunder and Prey of them: Which Sort of Criminals were by way of juſt Retaliation often ſentenced to be burnt alive. The *Eccleſiaſtical Code* of the ancient Church has no particular Laws againſt ſuch [*g*]; but as their Crimes were often a Complication of many great Sins; Enmity and Malice, and Theft and Murder commonly concurring in Incendiaries; ſo it may be preſumed their Puniſhment and Penance was aſſigned according to the Nature and Quality of the ſeveral Offences which made up this Compound Vice, than which few can be conceived more heinous, becauſe it has in

[*] Chap. VI. n. 22, &c. [*f*] Digeſt. Lib. 48. Tit. 19. de Pœnis. Leg. 29. Incendiarij capite puniuntur, qui ob inimicitias, vel prædæ cauſa incenderint intra Oppidum, & plerumque vivi exuruntur. [*g*] *The firſt* Eccleſiaſtical Laws *againſt Incendiaries, I have met with, are the Decrees of* Eugenius 2. an. 824. Cap. 9. Tom. 7. p. 1542. *And Pope* Gregory's *Decretals.* Lib. 5. Tit. 17. de Raptoribus & Incendiariis.

it ſo much of the pure malicious and diabolical Temper.

Sect. 4. *Of ſimple Theft.*

SIMPLE Theft was reckoned among the great Crimes which brought Men under publick Penance, and therefore there is the more Reaſon to conclude it of thoſe complicated Crimes. St. *Auſtin* frequently in diſtinguiſhing between great and ſmall Sins [*h*] puts Theft into the firſt Claſs of heinous Crimes, for which Men were to do a more formal Penance in the Church. And among St. *Baſil*'s Canons [*i*] there is one that particularly ſpecifies the Time of Penance: The Thief, if he diſcover himſelf, ſhall do One Year's Penance; if he be diſcovered by others, Two: Half the Time he ſhall be a Proſtrator, the other half a Coſtander. Only St. *Auſtin* intimates [*k*], There were ſome Circumſtances in which they were forced to bear with this as well as other Sins: He means, when ſome inſuperable Difficulties or Danger made it either impoſſible, or unadviſable, to put the Diſcipline of the Church ſtrictly in Execution againſt them.

Sect 5. *Of detaining loſt Goods from the true Owner.*

UNDER this Head they reckoned ſuch as detained any loſt Goods, which they found, from the true Proprietor, when he could lay a juſt Claim to them. St. *Auſtin* expreſsly condemns this as manifeſt Robbery. If thou

[*h*] Aug. Tract. 12. in Joan. p. 47. Hom. 27. ex 50. T. 10. p. 177. Tract. 41. in Joan. p. 126. [*i*] Baſil. can. 61.

[*k*] Aug. Ep. 54. ad Macedon. p. 95. Aliquando etiam, ſi res magis curanda non impedit, ſancti altaris Communione privamus.

thou haſt found [*l*] any Thing, and not reſtored it, thou art guilty of Robbing the true Owner. He that denies what he finds of another Man's, would take it from him if he could. In this Caſe GOD examines the Heart, and not the Hands. *Origen* [*m*] ſays the ſame, That not to reſtore what a Man finds, is equal to Robbery; however ſome had the Vanity to think there was no Sin in it, and were ready to ask, To whom ſhould I reſtore it, ſeeing GOD has put it into my Hands? The old *Roman* Laws were much more equitable than the Conſcience of ſuch. For they reckon it Theft to detain what a Man finds, even when they know not who is the true Owner of it. In which Caſe [*n*] they direct him to put up a Libel of Inquiry after the Proprietor, and when he is found, to take of him what they call εὕρεθρα, and μήνυθρα, and σῶτρα, a Reward for finding and ſaving what was loſt: Though this they rather account a diſhonourable and ſcandalous Demand, if preciſely exacted. St. *Auſtin* gives a very remarkable Inſtance of this Sort of Generoſity in refuſing the Reward of finding loſt Goods, in one who was a poor Chriſtian Uſher to an Heathen Schoolmaſter at *Milan*. He found a Bag of Money about the Value of Two hundred Shillings, and not knowing who was the Owner, according to Law, he put up a Libel publickly [*o*] to

[*l*] Aug. Hom. 19. de Verbis Apoſt. T. 10. p. 138. Quod inveniſti, & non reddidiſti, rapuiſti. Quantum potuiſti, feciſti: quia plus non potuiſti, ideo plus non feciſti. Qui alienum negat, ſi poſſet, & tolleret.— Deus cor interrogat, non manum. [*m*] Orig. Hom. 4. in Levit. p. 119 Peccatum hoc eſſe ſimile Rapinæ, ſi quis inventa non reddat, &c. [*n*] Digeſt. Lib. 47. Tit. 2. de Furtis. Leg. 43. n. 9. ex Ulpiano. Quid ergo ſi εὕρεθρα, quæ dicunt, petat? Non hic videtur furtum facere, etſi non probe petat aliquid. [*o*] Aug. de Verbis Apoſt. Serm. 19. p. 138. Memor Legis propoſuit Pitacium publice. Reddendum enim ſciebat, ſed cui redderet ignorabat, &c.

enquire after him. For he was ſenſible he ought to return it, though he knew not as yet to whom. The Man who had loſt the Money, upon Notice given in the Libel, comes to him, and tells the Marks, the Condition of the Bag, the Seal, and the Sum, and receives his own again. And with great Joy, Thankfulneſs and Gratitude, offers him the Tythe, Twenty Shillings, as his Requital and Reward; but he would not accept it. He offers him Ten; but he would not accept it. He intreats him however, at leaſt, to take Five; but he refuſed. Upon which, the Man in Anger caſt down his Bag, and ſaid, I have loſt nothing: If thou wilt receive nothing of me, I have loſt nothing. What a brave Contention, ſays St. *Auſtin*, what [*p*] a Prize, what a Strife and noble Conflict was this, where the whole World was the Theatre, and GOD the Spectator! At laſt the Man is ſubdued by mere Importunity, and prevailed upon to accept what was offered him; but he immediately gave it all to the Poor, and would not carry one Shilling of it home with him to lay up for his own private Uſe. By this Relation we may judge, how great a Crime it was reckoned to conceal or detain what was loſt from the right Owner, ſince even the exacting any Reward for finding it was reputed diſhonourable and ſcandalous, and ſome ancient Canons ſet a particular Mark of Infamy upon it, as a Species of filthy Lucre. Men ought not, ſays *Gregory Thaumaturgus* [*q*] to exact a Reward for ſaving, or diſcovering, or finding any Thing that was loſt, but to live without filthy Lucre.

THEY

[*p*] Ibid. Quale certamen, fratres mei, quale certamen, qualis pugna, qualis conflictus: Theatrum mundus, ſpectator Deus. [*q*] Greg. Thaum. can. 10. ap. Bevereg. Pandect. T. 2. p. 34. μήτε μίσθος, ἢ σῶσαι, ἢ εὑρεῖν ἀπαιτῶντες, &c.

Sect. 6. *Of refuſing to pay juſt Debts.*

THEY put into the ſame Claſs all ſuch as refuſed to pay their juſt Debts, eſpecially ſuch as uſed any baſe and ſiniſter Arts to excuſe themſelves from the Payment of them. It was uſual with many *Jews* to pretend to become Converts to Chriſtianity, only to ſhelter themſelves from their Creditors, and the Juſtice of the Law in many Criminal Caſes alſo, by claiming the Privilege of Sanctuary in the Church. To correct which Abuſe, *Arcadius* made a Law [r], That no ſuch Practice ſhould be allowed; but that they ſhould be repelled from the Church, and not be received till they had faithfully diſcharged all their Debts, and demonſtrated their Innocence in other Reſpects, as a neceſſary Qualification for their Admiſſion. In ſome Caſes indeed, when Men were unable to pay their Debts, the Church in Charity was inclined to protect them: But then, in that Caſe, ſhe was alſo obliged to pay their Debts, as appears from ſeveral Laws [s] made in that Behalf; and from the Inſtance which St. *Auſtin* [t] gives of his own Church paying the Debts of one *Faſtius*, who fled from his Creditors to her Protection: And this Caſe of Neceſſity was very different from that fraudulent and criminal Refuſal of Paying Debts when Men lay under no ſuch Straits and Difficulties. As therefore

[r] Cod. Theod. Lib. 9. Tit. 45. de his qui ad Eccleſias confugiunt. Leg. 2. Judæi qui reatu aliquo, vel Debitis fatigati, ſimulant ſe Chriſtianæ Legi velle conjungi, ut ad Eccleſias confugientes vitare poſſint crimina, vel pondera Debitorum, arceantur: Nec ante ſuſcipiantur, quam Debita univerſa reddiderint, vel fuerint innocentia demonſtrata purgati.

[s] Ibid. Leg. 1. Publicos Debitores, ſi confugiendum ad Eccleſias crediderint, aut ilico extrahi de latebris oportebit, aut pro his ipſos qui eos occultare probantur Epiſcopos exigi. Vid. Leg. 3. ibid. [t] Aug. Ep. 215.

fore the one was Matter of Commiseration, and made Men Objects of Pity and Compassion: So the other made them odious and abominable, as deceitful Villains, and rendred them fit Objects of Legal Severity, and Ecclesiastical Censure.

Sect. 7. *And what Men are bound to by the Obligation of Promise and Contract.*

AMONG just Debts they always reckoned those which Men contracted by the Obligation of Promise and mutual Engagements to each other: And therefore all Breach of Faith in such Cases, came under the Denomination of Theft, and was accordingly punished as a Species of that Transgression. The Council of *Eliberis* [*u*] applies this particularly to such Parents as break the Espousals or Ante-nuptial Contracts, to which they have agreed in Behalf of their Children: for which Offence they are obliged to abstain Three Years from the Communion. This in Effect was a Robbery committed both upon Persons and Things, depriving the Man of his Wife, and the Woman of her Husband, and each of them of all those Rights and Benefits that might have accrued to them by such Matrimonial Contracts. For which Reason it was ranked among those more heinous Thefts, and perfidious Injuries offered to Mens Rights, which were thought to deserve a publick Censure.

Sect. 8. *Of Removing Bounds and Land-marks.*

AND among these, the Removing or Defacing ancient Bounds and Land-marks, was accounted no small Crime. Even among the old *Romans* it was punished as a Capital Offence. *Numa Pompilius* divided the *Roman* Fields by

[*u*] Conc. Eliber. can. 54. Si qui Parentes fidem fregerint Sponsaliorum, triennij tempore abstineant se a Communione, &c.

by certain Marks erected of *Stone*, which they called *Lapides ſacri*, becauſe they were conſecrated to *Jupiter*; and the Covering or Transferring theſe was reckoned ſuch an Offence, that any one who was taken in it, might lawfully [x] be ſlain, as a ſacrilegious Perſon. The Law of GOD lays a Curſe upon it, *Deut.* xxvii. 17, *Curſed be he that removeth his Neighbour's Land-mark.* *Conſtantine* reckons it among thoſe criminal Actions which were to be puniſhed in an extraordinary Way [y], as *Pithæus* and *Gothofred* have obſerved from an old Remark made upon the Sentences of the famous Lawyer *Paulus*, which ſays, *In eum qui per vim Terminos dejecerit, vel amoverit, extra ordinem animadvertitur*: Upon which the Annotator ſays, That the ſame Thing was determined by *Conſtantine* in the *Theodoſian Code*. Which makes *Gothofred* conclude, That either that Law is wanting now in the *Theodoſian Code*, or elſe that it refers to *Couſtantine*'s firſt Law under that Title, which ſays, *Invaſor ille Pœnæ teneatur addictus*, Such an Invader ſhall be liable to Puniſhment, tho' the particular Manner of Puniſhment be not expreſſed. However, it was a Crime of that Nature, as to require a peremptory Puniſhment without Appeal, as appears from another Law of *Conſtantine*'s [z] in the ſame *Code*. The *Eccleſiaſtical Law* always condemned this as a curſed Crime from the Law of GOD: *Curſed be he that removeth his Neighbour's Landmark.* And, *Remove not the ancient Land-mark, which*

[x] Vide Calvin. Lexicon Jurid. voce, Fines.

[y] Pithæus Annot. in Collat. Legum Moſaicar. & Roman. Tit. 14. Gothofred. Paratit. in Cod. Th. Lib. 2. de Finibus Regundis. Tit. 26. [z] Cod. Theod. Lib. 9. Tit. 1. de Accuſation. Lib. 1. Qui Fines aliquos invaſerit, publicis legibus ſubjugetur, neque ſuper ejus nomine ad ſcientiam noſtram referatur.

which thy Fathers have ſet. Under this Title they alſo cenſured all ſuch ambitious Biſhops, as not content with the Limits of their own Dioceſes, invaded the Territory of others, and endeavoured to bring Places out of their Diſtrict under their Juriſdiction. Pope *Innocent* [*a*] writing to a Biſhop upon ſuch an Occaſion, reminds him of what the Scripture has ſo often ſaid, That we ought not to *remove the Bounds which our Fathers have ſet*, and therefore admoniſhes him to quit his Pretenſions, unleſs he was minded to feel the Severity of Eccleſiaſtical Cenſure.

Sect. 9. *Of Oppreſſion.*

THIS Sort of Robbery may alſo be reckoned under another Species of Theft, which the Law calls Compound Theft, becauſe it joins ſomething of Violence or Oppreſſion to the Robbery. Such as hoſtile Invaſion, robbing with Arms upon the Highway, breaking Houſes in the Night, Piracy at Sea, cruel Exactions of Judges, and other Publick Officers above what the Law allows, perverting of Juſtice by Bribery or rigorous Interpretations of the Law, together with Extortion and unjuſt Uſury. All which the Law condemns under the general Name of Oppreſſion, and the ancient Canons make it Matter of Excommunication. The fourth Council of *Carthage* [*b*] has one Canon forbidding the Prieſts to receive any Oblations from thoſe that oppreſs the Poor: And another [*c*] appointing ſuch as deny'd to the Church the Oblations of the Dead, or refuſed to pay

[*a*] Innoc. Ep. 8. ad Florentium. [*b*] Conc. Carth. 4. can. 94. Eorum, qui pauperes opprimunt, dona a ſacerdotibus refutanda. [*c*] Ibid. can. 95. Qui Oblationes defunctorum aut negant Eccleſiis, aut cum difficultate reddunt, tanquam egentium necatores excommunicentur.

pay them without Difficulty and Trouble, to be excommunicated, as Murderers of the Poor. Agreeable to which is that of St. *Chryſoſtom* [*d*], directing his Clergy not to admit any cruel or unmerciful Man to the Lord's-Table: Although it be a General, although it be a Governor or Conſul, although it be he that wears the Crown, prohibit him: Thou in this Caſe haſt greater Power than he. And again, inveighing againſt Oppreſſors, who offered Alms out of what they had violently taken from others, he ſays [*e*] elegantly, That GOD will not have his Altar covered with Tears: CHRIST will not be fed with Robbery; ſuch ſort of Suſtenance is moſt ungrateful to him: It is an Affront to the LORD, to offer unclean Things to him: He had rather be neglected, and periſh by Famine (in his poor Members) than live by ſuch Oblations. The one is Cruelty, but the other is both Cruelty, and an Affront likewiſe. It is better to give nothing, than to give that which of right belongs to other Men. After the ſame manner St. *Auſtin* anſwers the plauſible Apologies of Spoilers and Oppreſſors. Their Plea was, I make [*f*] Feaſts of Charity, I ſend meat to them that are bound in Priſon, I clothe the Naked, I entertain Strangers. Do you imagine this is properly Giving? Do not take from others, and then you may be ſaid to give. He, to whom you give, rejoices; but he, from whom you take, laments: Which of the two will GOD hear? You ſay to him, to whom you give, Give Thanks, becauſe you have received. But he, on the other Hand, from

[*d*] Chryſ. Hom. 82. al. 83. in Mat. p. 705. [*e*] Id. Hom. 86. al. 87. in Mat. p. 722. [*f*] Aug. Hom. 19. ex 50. T. 10. p. 137. Agapes facio, vinctis in carcere victum mitto, nudos veſtio, peregrinos ſuſcipio. Dare te putas? &c.

from whom you have taken it, ſays, I mourn: You keep almoſt the Whole, and give a ſmall Portion to the other. If therefore you give to the Poor what you take from others, GOD is not pleaſed with ſuch Works. GOD ſays to thee, Thou Fool, I commanded thee to give, but not that which is another Man's. If thou haſt ought, give of that which is thine own: If thou haſt not of thine own to give, it is better thou ſhouldſt not give, than ſpoil ſome to give to others. He ſays in another Place [*g*], Some were ſo vain as to think, that a little Alms before they died would effectually expiate all their Sins, however wicked or rapacious they had been all their Lives before: Againſt whom he diſputes accurately and ſharply in ſeveral Books [*h*] which it would be needleſs here to cite at large. I only add, That agreeable to theſe Rules, the Author of the *Conſtitutions* under the Name of the Apoſtles, giving Directions to Biſhops about the Perſons from whom they were to receive Oblations at the Altar, or refuſe them, among many other Criminals, orders them to reject thoſe who afflict the Widow, and oppreſs [*i*] the fatherleſs by their Power, and fill the Priſons with innocent Perſons, and evil intreat their Servants with Stripes, Famine or hard Bondage; and lay waſte whole Cities; all Lawyers that plead for Injuſtice or unrighteous Cauſes; all unrighteous Judges; all wicked Publicans, and Uſurers, and Soldiers that are falſe Accuſers, and not content with their Wages, but oppreſs the Poor.

AND

[*g*] Aug. de Civ. Dei. Lib. 21. cap. 22. [*h*] Ibid. Lib. 21. cap. 27. Et in Enchirid. cap. 75. & 76. Serm. 35. de verbis Domini. Cont. Julian. Pelag. Lib. 5. cap. 10. Vid. plura ap Gratian. Caus. 14. Quæſt. 5, & 6. [*i*] Conſtit. Lib. 4. cap. 6.

Sect. 10. *Of the Exactions and Bribery of Judges,*

AND that this was agreeable to the common Diſcipline of the Church, will appear by examining the Particulars. To begin with that which was the moſt flagitious and intolerable, the Oppreſſion committed by Judges in their Office, partly by cruel Exactions, partly by feigned Accuſations, and partly by Perverſion of Juſtice for the Sake of Bribery and filthy Lucre: Which Sorts of Oppreſſion the Law commonly terms, *Crimen Repetundarum & Peculatus.* For though *Peculatus* often ſignifies robbing the Publick by private Stealth, yet it ſometimes alſo denotes the Oppreſſions and Injuries done by Magiſtrates to the Subject. In which Caſe the Cenſures of the Church were often inflicted upon oppreſſing Governors. As we have a famous Inſtance of *Syneſius* [*k*] excommunicating *Andronicus* the Governor of *Ptolemais* for his violent Oppreſſion of the People. The *Imperial Laws* were alſo very numerous and very ſevere in this Caſe, to ſecure the Rights and Properties of the People from ſuch violent Invaſion. They did not indeed allow the Subject, for ſome Time, to accuſe the Magiſtrate during the Year of his Adminiſtration: But *Theodoſius* [*l*] took off even that Reſtraint, and not only gave Men Liberty, but invited and encouraged Men of all Orders to bring Informations againſt corrupt

[*k*] Syneſ. Ep. 57. p. 172. [*l*] Cod. Theod. Lib. 9. Tit. 27. ad Legem Juliam Repetundarum. Leg. 6. Jubemus, hortamur, ut ſi quis a Judice fuerit aliqua ratione concuſſus; ſi quis ſcit venalem de Jure fuiſſe ſententiam; ſi quis pœnam vel pretio remiſſam, vel vitio cupiditatis ingeſtam; ſi quis poſtremo quacunque de cauſa improbum Judicem potuerit adprobare; is vel adminiſtrante eo, vel poſt adminiſtrationem depoſitam, in publicum prodeat, crimen deferat, delatum adprobet: cum probaverit, & victoriam reportaturus & gloriam.

rupt Judges, if they had either ſuffered any Violence from them themſelves, or knew them to be guilty of Bribery, or ſetting Juſtice to ſale, or any the like Improbity: And that as well in the Time of their Adminiſtration as afterward; promiſing a Reward to any that ſhould make good ſuch Charges againſt them. The like Encouragement was given by *Conſtantine* [*m*] and *Valentinian Junior* [*n*], as appears by their Laws now extant in the *Theodoſian Code*. And whereas the Puniſhment of ſuch Corruption in the Magiſtrate was only a pecuniary Mulct before, *Theodoſius* [*o*] by a new Law made it Death, as thinking no Puniſhment too great for ſuch an Offence. At *Carthage* they had a peculiar good Cuſtom, which tended much to diſcourage all ſuch rapacious Practices in their Magiſtrates. For *Proſper* [*p*] tells us, That every Year the new Proconſul was uſed upon a certain Day, which they called, *Albi Citatio*, to read over a Liſt of the Governors that had been before him: And then they that had been Juſt in their Adminiſtration, and gone through their Office without Covetouſneſs, or Rapaciouſneſs, or any

[*m*] Cod. Theod. Lib. 9. Tit. 1. de Accuſationibus. Leg. 4. [*n*] Cod. Th. Lib. 9. Tit. 27. ad Legem Juliam Repetundarum. Leg. 7. [*o*] Cod. Th. Lib. 9. Tit. 28. de Crimine Peculatus. Leg. 1. Pridem fuerat conſtitutum, ut hi Judices, qui Peculatu Provincias quaſſaviſſent, Multæ diſpendio ſubjacerent; ſed quoniam nec condigna crimini ultio eſt, nec par pœna peccato, placuit —— Capitale hoc eſſe, atque animadverſione ſeveriſſima coerceri. [*p*] Proſper. de Promiſſionibus Dei, ſive Gloria Sanctor. in Peroratione. In calculis eburneis nomina Proconſulum conſcripta Carthagine in foro coram populo a præſenti Judice ſub certis vocabulis citabantur, & erat ſolennis dies, Albi Citatio. Hi qui avaritiam ſuperantes, Rempub. fideliter egerant abſque flagitiis facinoribuſque, etiam abſentes honorabantur: Eos vero, quos Rapacitas vicerat, populus Convitiis Sibiliſque notabat.

any ſuch flagrant Crimes, were honoured in their Abſence by the Applauſes of the People: But on the other Hand, they whom Covetouſneſs had driven into ſcandalous Meaſures of Robbery and Violence, were noted with Marks of Infamy by general Hiſſings and Reproaches.

Sect. 11. *Of the Exactions of Publicans, and Collectors of the Publick Revenues, and other Officers of the* Roman *Empire.*

THE Laws were equally ſevere againſt all Super-Exactors, as they are called, of the Publick Revenues. The common Burden of Tribute and Taxes was generally hard enough, even as ſettled by Law in the *Roman* [q] Government: But the illegal Exactions of the Publicans and Collectors made it a much more intolerable Burden. Therefore the Laws were forced to reſtrain and chaſtize their Oppreſſions with great Severity. *Conſtantine* made ſeveral Laws to this Purpoſe [r], condemning this Crime as a Capital Offence, according to *Gothofred*'s Interpretation of ſevere Puniſhment. *Valentinian* and *Valens* [s] obliged the Exactor to make Reſtitution fourfold to the injured Party, and condemned the Judge in the ſame Quadruple Sum, if he refuſed upon Complaint to do him Juſtice. But *Arcadius* finding that this Law of *Valentinian* did not effectually put a ſtop to theſe exorbitant Demands, made it Death for any Exactor to go [t] beyond his

[q] Vid. Lipſium de Magnitudine Romana. Lib. 2. cap. 1, 2, &c. [r] Cod. Theod. Lib. 8. Tit. 10. de Concuſſionibus Advocatorum. Leg. 1. Item. Lib. 11. Tit. 1. de Annona & Tributis. Leg. 3. & Lib. 11. Tit. 7. de Exactionibus. Leg. 1. & Lib. 4. Tit. 12. de Vectigalibus. Leg. 1. [s] Cod. Th. Lib. 11. Tit. 16. de Extraordinariis. Leg. 11. Obnoxius Quadrupli repetitione teneatur, &c. [t] Cod. Th. Lib. 11. Tit. 8. de Superexactionibus. Leg. 1. Si quis Exactorum ſuperexactionis crimen fuerit confutatus, eandem pœnam ſubeat,

his Bounds. And *Honorius* ſome Years after joined both Puniſhments together, ordering the Exactor [*u*] to be put to Death, and Quadruple Reſtitution to be made out of his Eſtate to the injured Perſon; laying a Fine withal of Thirty Pound of Gold upon any Judge that neglected to put the Law in Execution. Now what the *Civil Law* ſo ſeverely condemned, there is no Queſtion but that the *Eccleſiaſtical Law* puniſhed in the ſpiritual Way with equal Severity, under the general Name of Oppreſſion.

Sect. 12. *Of the Exactions of Advocates, and Lawyers, and Apparitors of Judges.*

THERE was another cruel Way of Oppreſſion under Colour of Law, much practiſed by Advocates and Lawyers, commonly called, *Scholaſtici & Defenſores*, and the Apparitors and Officers of the Civil Courts, and Attendants of Judges. Their Exactions, and Extortions upon Mens Neceſſities, are frequently complained of, and provided againſt by ſeveral Laws. The Law allowed them certain ſtated Wages, or Canonical Penſions, as the Term is, for Pleading and Managing Cauſes: But beyond theſe they often made no Scruple to exact Maintenance for themſelves and their Horſes, wherever they came, in the City, or in Manſions, without any Pay; which Super-exactions are particularly noted

at, quæ Divi Valentiniani Sanctione dudum fuerat definita. Capitis namque periculo poſthac cupiditas amovenda eſt, quæ prohibita totiens in hiſdem ſceleribus perſeverat.

[*u*] Cod. Th. Lib. 11. Tit. 7. de Exactionibus. Leg. 20. Si in concuſſione poſſeſſorum Exactores fuerint deprehenſi, ilico & Capitali periculo ſubjaceant, & direptorum Quadrupli pœna ex eorum Patrimonio eruetur, &c. Vid. ibid. Tit. 8. de ſuperexactionibus. Leg. 2, & 3. ejuſdem Honorii. It. Lib. 11. Tit. 26. de Diſcuſſoribus. Leg. 1, &c. Lib. 13. Tit. 11. de Cenſitoribus. Leg. 7, & 10. Et Valentiniani 3. Novel. 7. de Indulgentiis reliquorum.

noted in Advocates and Officers by *Conſtantius* [x]; as Inſtances of inſatiable Covetouſneſs: And therefore he gives Orders to Judges to defend the People from ſuch Extortions, and not ſuffer their Injuries and Encroachments to go unpuniſhed. *Conſtantine* reflects [y] upon the like Extortion of Advocates in making wicked Bargains with their Clients, to make over to them the beſt of their Lands, their Cattle, and their Slaves; which he calls Spoiling and Pillaging thoſe that ſtood in Need of their Patronage; and orders, That ſuch rapacious Vulturs, as *Gothofred* terms them, ſhould be expelled the Court, and never after be allowed the Liberty of Pleading. Another Way, whereby wicked Advocates were wont to oppreſs the Poor, was, by encouraging their Clients to draw their Adverſaries in a Civil Cauſe from the Cognizance of the ordinary Judges to a Military Tribunal, where they had more Liberty by Bribery, and other corrupt Practices, to oppreſs them. Great Complaints are made by *Ammianus* [z] *Marcellinus*

[x] Cod. Th. Lib. 8. Tit. 10. de Concuſſionibus Advocatorum & Apparitorum. Leg. 2. Præter ſollemnes & Canonicas Penſitationes multa a Provincialibus Afris indigniſſime poſtulantur ab Officialibus & Scholaſticis, non modo in Civitatibus Singulis, ſed & Manſionibus, dum ipſis & animalibus eorundem alimoniæ ſine pretio miniſtrantur, &c. Provinciales itaque cuncti Judices tueantur, nec injurias inultas tranſire permittant. [y] Cod. Th. Lib. 2. Tit. 10. de Poſtulando. Leg. 1. Advocatos, qui conſceleratis Depectionibus ſuæ opis egentes ſpoliant atque denudant, non jure Cauſæ, ſed Fundorum, Pecorum & Mancipiorum qualitate rationeque tractata, dum eorum præcipua poſcant coacta ſibi pactione tranſcribi, ab honeſtorum cœtu, Judiciorumque conſpectu ſegregari præcipimus. Vid. Cod. Juſtin. Lib. 2. Tit. 6. de Poſtulando. Leg. 5. [z] Ammian. Lib. 30. p. 448. Laxavit rapinarum fores, quæ roborantur indies Judicum Advocatorumque pravitate, qui tenuiorum negotia Militaris rei Rectoribus, vel intra Palatium validis venditantes, aut opes, aut honores quæſivere præclaros.

cellinus of this Sort of Depredation made upon the Poor in the Time of *Valens*, who, he ſays, opened the Doors to Robbery, which gained Strength every Day by the Pravity of the Judges and Advocates, who ſold the Cauſes of poor Men to the Rulers in the Army, or ſuch as bore Sway in the Palace, by which Means they increaſed their Wealth, or brought themſelves to Preferment. To correct this Abuſe, *Arcadius* made a Law [*a*], That whoever transferred a Civil Cauſe from the Ordinary Judges to a Military Court, ſhould be liable to Baniſhment, beſides other Penalties inflicted by former Laws; and the Advocate concerned in ſuch a Cauſe, ſhould forfeit Ten Pounds of Gold, except they had a ſpecial Licence from the Emperor for ſuch a Removal. *Valentinian* III. added to this, That the Advocate ſhould loſe his Office [*b*], and the Counſellor be baniſhed alſo. And there were many other Laws made by *Theodoſius*, *Valentinian* Junior and *Marcian*, to the ſame Purpoſe, which the Curious Reader may find in *Gothofred* upon the foremention'd Law of *Arcadius*. 'Tis true, the *Eccleſiaſtical Law* does not particularly ſpecify theſe Things; but we may ſuppoſe, they being great Crimes, were included in the general Notion of illegal Oppreſſion, which was thought to deſerve Eccleſiaſtical Cenſure.

BUT

[*a*] Cod. Theod. Lib. 2. Tit. 1. de Juriſdictione. Leg. 9. Si quis neglectis Judicibus Ordinariis, ſine cœleſti oraculo, cauſam civilem ad Militare Judicium crediderit deferendam, præter pœnas ante promulgatas, intelligat ſe Deportationis ſortem excepturum. Nihilominus & Advocatum ejus decem libris auri condemnatione feriendum. [*b*] Valentin. Novel. de Epiſcopali Judicio. Tit. 12. Cauſidicum Officij amiſſio, Juriſconſultum Exiſtimationis & interdictæ civitatis damna percellant.

Sect. 13. *Of griping Uſury and Extortion.*

BUT there is one Sort of Oppreſſion, which the Laws of the Church more particularly take notice of, and condemn both in the Clergy and Laity, that is, griping Uſury or Extortion upon the Poor. The Nature of Uſury, and the ſeveral Degrees of it, I have had Occaſion already to explain [*] in a former Book: All therefore I ſhall here take Notice of, is, the Cenſures of the Church paſſed upon all that were guilty of what they reckoned cruel and criminal in it. The Council of *Eliberis* not only orders the Clergy to be degraded, who were found guilty of taking Uſury, but threatens [*c*] Excommunication to every Layman, that after Admonition perſiſted in the Practice of it. And the firſt Council of [*d*] of *Carthage* gives this Reaſon why Clergymen ſhould not practiſe it, Becauſe it was a Thing that was culpable in Laymen. And the Reaſon why it was ſo generally condemned by the Ancients even in Laymen, was, becauſe it was generally a great Oppreſſion of the Poor, to whom the Charity of Lending without Uſury was due; and many times it was attended with Extortion, as in the *Centeſimal* Intereſt, which was Twelve in the Hundred; and what they call'd *Hemiolia*, which was receiving Half as much more as the Principal by way of Intereſt, both which were condemned by the Laws of the State as illegal Exactions, and downright Extortion. Upon which Bottom all the Arguments and Invectives of the Ancients are founded. So that Uſury in this Senſe was reckoned a plain Robbery of the Poor, and a cruel Oppreſſion of thoſe,

[*] Book VI. Chap. ii. n. 6. [*c*] Conc. Eliber. can. 20. Si quis etiam Laicus accepiſſe probatur Uſuras, ſi in ea iniquitate duraverit, ab Eccleſia ſciat ſe eſſe projiciendum.

[*d*] Conc. Carth. 1. can. 13. Quod in Laicis reprehenditur, id multo magis in Clericis oportet prædamnari.

to whom Mercy and Charity ought to be ſhewed upon all Occaſions. And to this we may joyn all Extortion made by Force or Fear, which the *Civil Law* condemns and annuls [*e*], though a Covenant or Promiſe had been obtained of the injured Party.

Sect. 14. *Of Forgery.*

THE laſt Sort of Robbery, was that which was committed by Fraud and Deceit, which the Law calls *Dolus malus, & Stellionatus*, from *Stellio*, that little Animal with ſhining Spots like Stars, the Lizard, or *Tarantula*, of which Naturaliſts [*f*] obſerve, That there is no Animal which more fraudulently envies Man than this: For changing his Skin every Year, which was reckoned a ſovereign Remedy againſt the *Falling-ſickneſs*, he devours it himſelf, leſt Men ſhould have the Benefit of it: Whence the Lawyers call all Impoſture and Fraud, which has no ſpecial Title in Law, by the Name of *Stellionatus* [*g*], as *Ulpian* explains it: Thus if a Man Mortgage or Pawn that which is already ingaged, fraudulently diſſembling the former Obligation; or paſs it away in Exchange, or pretend to pay Debts with it, when it is under a Preingagement; all ſuch Frauds are called *Stellionatus*. So if a Man change the Wares which he has ſold, or corrupt 'em, or direct them to another Uſe after he has pawn'd 'em; or if he uſed any Colluſion or Impoſture to compaſs the Death of any Man, this was reckoned

[*e*] Cod. Th. Lib. 2. Tit. 9. de Pactis. Leg. 4. Pacta quidem per vim & metum apud omnes ſatis conſtat caſſata viribus reſpuenda. [*f*] Plin. Lib 30. cap. 10. Nullum animal fraudulentius invidere homini tradunt: Inde Stellionum nomen aiunt in maledictum tranſlatum, &c. [*g*] Digeſt. Lib. 47. Tit. 20. Stellionatus. Leg. 3. Ubicunque Titulus criminis deficit, illic Stellionatus objicimus. Maxime autem in his locum habet: Si quis forte rem alii obligatum, diſſimulata obligatione, per Calliditatem alii diſtraxerit, vel permitaverit, vel in ſolutum dederit, &c.

reckoned a Fraud of the ſame Nature. If in giving a Pawn, he ſubſtituted Braſs in the Room of Gold; if he ſold a Freeman under the Notion of a Slave; if he received a Sum of Money as a Debt, that was really paid him before; he was liable to be puniſhed upon an Action of Fraud upon the ſame [*h*] Title; and for his Crime, if he was a Plebeian, he might be condemned to the Mines; if a Perſon of Quality, he might be ſent into Baniſhment, or be degraded. The Inſtances of ſuch Frauds and Colluſions are too many and intricate, to be here particularly recounted, but the chief of them may be ſummed up under theſe Five Titles, Forgery, Calumny, Flattery, Deceitfulneſs in Truſt, and Deceitfulneſs in Traffick.

FORGERY may be committed either in Counterfeiting Coin, to impoſe upon the Unskilful and Unwary; or elſe in Counterfeiting Deeds and Inſtruments, to lay Claim to other Mens Eſtates, as is done by thoſe who make a Title upon falſe Wills or Bonds, or conceal or corrupt the true ones. The Counterfeiting of the Coin, was not only an Injury to private Men in Commerce, but alſo an Act of Treaſon againſt the ſupreme Powers: And therefore puniſhed as a Capital Offence with Confiſcation, Baniſhment, or Death, and that ſometimes of the cruelleſt Sort, burning alive, as appears from ſeveral Laws in the *Theodoſian Code* [*i*] made upon this Occaſion. Particularly *Conſtantine* [*k*] in one of his

[*h*] Vid. Calvin. Lexicon Juridicum, voce, Stellionatus.

[*i*] Cod. Theod. Lib. 9. Tit. 21. de Falſa Moneta. Leg. 1, 2, 3, 5, 6. [*k*] Cod. Th. Lib. 9. Tit. 22. Si quis ſolidi circulum inciderit, vel adulteratum in vendendo ſubjecerit. Leg. 1. Aut Capite puniri debet, aut flammis tradi, vel alia pœna mortifera. Quod ille etiam patietur, qui menſuram circuli exterioris adraſerit, ut ponderis minuat Quantitatem; vel figuratum ſolidum adultera imitatione in vendendo ſubjecerit. Vid. Digeſt. Lib. 13. Tit. 7. de Pignoratitia Actione. Leg. 1, & 16.

Laws orders ſuch to be put to the Sword, or burnt alive, or to be puniſhed with ſome ſuch violent Death, whether they were guilty of clipping the Coin, and diminiſhing its Quantity, or adulterating its Quality, and vending it as good by manifeſt Fraud and Impoſture. And what the Law puniſhed thus ſeverely in the State, there is no Queſtion but that it was with equal Severity in the ſpiritual Way cenſured, and condemned as a Fraud and Robbery by the Church. The Counterfeiting of falſe Deeds, and eſpecially falſe Wills, was eſteemed an heinous Crime even by the old *Roman* Laws, of which there is a whole Title [*l*] in the *Pandects*; one of which, related by the famous Lawyer *Julius Paulus* ſays [*m*], Whoever conceals a Will, or conveys it away, or deſtroys it, or puts another in its Room, or cancels it; or whoever writes, or ſigns, or fraudulently produces a falſe Will, is liable to be puniſhed upon an Action of Forgery by the *Cornelian* Law. And that Puniſhment is either Baniſhment, or [*n*] Confiſcation, or Death according to the Quality of the Offender. And by the Laws of *Conſtantine* [*o*] the ſame Puniſhments of Baniſhment and Death were awarded to

[*l*] Digeſt. Lib. 48. Tit. 10. de Lege Cornelia de Falſis.

[*m*] Paulus ibid. Leg. 2. Qui teſtamentum amoverit, celaverit, eripuerit, deleverit, interleverit, ſubjecerit, reſignaverit: Quive teſtamentum falſum ſcripſerit, ſignaverit, recitaverit dolo malo, cujuſve dolo malo id factum fuerit, Legis Corneliæ pœna damnatur. [*n*] Ibid. Leg. 1. n. 13. Pœna falſi, vel quaſi falſi, Deportatio eſt, & omnium bonorum Publicatio: & ſi ſervus eorum aliquid admiſerit, ultimo ſupplicio adfici jubetur. [*o*] Cod. Theod. Lib. 9. Tit. 19. ad Legem Corneliam de Falſo. Leg. 1 & 2. Capitali poſt probationem ſupplicio (ſi id exigat magnitudo commiſſi) vel deportatione ei qui falſum commiſerit imminente.

Vid. Cod. Juſtin. Lib. 10. Tit. 13. de his qui ſe deferunt. Leg. 1. Occultator geſtorum in Inſulam deportetur, &c.

to this Sort of Forgery. And though the *Eccleſiaſtical Laws* do not particularly ſpecify the Puniſhment of this Crime, yet they muſt be ſuppoſed to comprehend it under the general Title of Theft and Robbery, which made Men liable to Eccleſiaſtical Cenſure.

Sect. 15. *Of Calumny with Regard to Mens Eſtates and Fortunes; and its Reverſe, the Fraud of Flattery.*

ANOTHER Sort of Fraud that might be committed againſt Men, in order to rob them of their Eſtates and Fortunes, was Impeaching them of feigned Crimes by falſe Accuſation and Calumny. This ſometimes affected Mens Lives, and then it was a Species of Murder, and puniſhed under that Denomination, as has been ſhewed before. Sometimes it affected their Fame and Reputation, and as ſuch it will be conſidered hereafter. In this Place we take it only as affecting Mens Eſtates and Fortunes, and as an Intention by Fraud to rob them of their Property and Poſſeſſions. In which Senſe the Law ſometimes takes Calumny and falſe Accuſation, as a Species of Theft and Robbery, and proſcribes it under that Title. As appears from that Law of *Valentinian* and *Gratian* in the *Theodoſian Code*, which joins theſe three Sorts of Calumny together [p], *viz.* againſt Mens Fame and Reputation, againſt their Fortunes, and againſt their Lives: Ordering, That whoever impleaded another upon any of theſe three Heads, ſhould undergo the ſame Penalty as he intended to bring upon the Party he impeached, if he proved to be a falſe Accuſer, and did

[p] Cod. Th. Lib. 9. Tit. 1. de Accuſationibus. Leg. 11. Qui alterius Famam, Fortunas, caput denique & ſanguinem in Judicium devocaverit, ſciat, ſibi impendere congruam pœnam, ſi quod intenderit, non probaverit.

did not fairly make out his Action. Againſt ſuch Calumniators, fraudulent Informers, and falſe Accuſers, (whoſe chief Aim was in a plauſible Way, and under Pretence of legal Proceſs, to come at other Mens Eſtates) there are two [q] or three whole Titles more in the *Theodoſian Code*, where ſuch Accuſers and Impeachers are called the Bane of human Life, and the common Peſt of Mankind: And they are ordered to be proſecuted to the laſt Degree with Confiſcation and Death. The *Eccleſiaſtical Law* alſo enjoins them a ſevere Penance. By a Canon of the Council of *Eliberis* [r], "He "that bears falſe Witneſs againſt another to the "Loſs of his Life or Liberty, is not to be received "to Communion even at his laſt Hour:" And if it was in a lighter Cauſe, as in a pecuniary Matter or the like, he was to do Penance for Five Years, before he was reconciled and perfectly reſtored to the Peace of the Church. St. *Auſtin* [s] alſo reckons this Sort of Calumny among the Species of Robbery and Oppreſſion. And the Author of the *Conſtitutions* [t], giving Directions to the Biſhop what Sort of Perſons he ſhould reject from the Communion, among others mentions Soldiers who are falſe Accuſers, and not content with their Wages, but oppreſs the Poor.

ADULATION and Flattery is the reverſe of Calumny, and yet by this Means ſome made a Shift by

[q] Cod. Th. Lib. 9. Tit. 39. de Calumniatoribus. It. Lib. 10. Tit. 10. de Petitionibus & Delatoribus. Leg. 1, 2, 3, 10, 33, &c. Et Tit. 12. ſi vagum petatur Mancipium.

[r] Conc. Elibet. can. 73. Delator ſi quis extiterit Fidelis, & per Delationem ejus aliquis fuerit proſcriptus vel interfectus, placuit eum nec in fine accipere Communionem. Si levior Cauſa fuerit, intra quinquennium accipere potuit Communionem. [s] Aug. Ep. 54. ad Macedon. [t] Conſt. Lib. 4. cap. 6.

by fraudulent Arts to get themſelves made Heirs to dying Perſons, to the Prejudice of thoſe who had a more juſt and real Title. To prevent which Sort of Fraud, *Valentinian* made a Law [*u*], That no Eccleſiaſtical Perſon or *Aſcetick* (for the Fraud was chiefly committed by them) ſhould clancularly reſort to the Houſes of dying Widows or Orphans, to get their Eſtates or any Legacies to be ſettled upon them: Which if they did, they were liable to be proſecuted at Law by the deceaſed Parties next Relations: They were to enjoy nothing that they had ſo fraudulently obtained, under Pretence of Religion, from any ſuch Perſons, either by way of Donation and Gift, or laſt Will and Teſtament; but the legal Heirs might make their Claim, and ſet aſide all ſuch Legacies; or otherwiſe they were to be confiſcated to the Publick. There are two Laws of *Theodoſius* [*x*] alſo much to the ſame Purpoſe. And the Fathers are ſo far from complaining of the ſeeming Hardſhip of theſe Laws, that they rather complain of the Fraud and Avarice, and Rapaciouſneſs of thoſe who gave Occaſion to theſe Pious Emperors to make ſuch Laws againſt them. St. *Ambroſe* [*y*] ſays, Such Men were guilty

[*u*] Cod. Th. Lib. 16. Tit. 2. de Epiſc. & Clericis. Leg. 20. Eccleſiaſtici, aut ex Eccleſiaſticis, vel qui Continentium ſe volunt nomine, nuncupari, viduarum ac Pupillarum domos non adeant: Sed publicis exterminentur Judiciis, ſi poſthac eos Affines earum vel Propinqui putaverint deferendos. Cenſemus etiam, ut memorati nihil de ejus mulieris, qui ſe privatim ſub prætextu Religionis adjunxerint, Liberalitate quacunque, vel extremo Judicio poſſint adipiſci, &c. Vid. Leg. 21. ibid. [*x*] Ibid. Leg. 27 & 28.

[*y*] Ambroſ. Ser. 7. de Clericis. p. 232. Nemo nos Invaſionis arguit, Violentiæ nullus accuſat? Quaſi non interdum majorem Prædam à Viduis Blandimenta eliciant, quam Tormenta: Non intereſt apud Deum, utrum Vi, an Circumventione quis Res alienas occupet, dummodo quoquo pacto tenet alienum. Vid. Librum cont. Symmachum.

ty of Violence, and Invaſion of the Rights of others: They made a greater Prey of Widows by their Blandiſhments and Flatteries, than others did by Torments: But it was all one before GOD, whether a Man ſeized the Subſtance of others by Force, or by Circumvention, ſo long as he detained what of Right belonged to other Men. In like manner St. *Jerom*: I am aſhamed [z] to ſay, that the Idol-Prieſts and Stage-players and Horſe-Racers and Harlots may be left Heirs, whilſt Clerks and Monks only are prohibited by this Law; and that not by perſecuting Tyrants, but Chriſtian Princes. Neither do I complain of the Law, but it grieves me to think we ſhould deſerve ſuch a Law. The Caution of the Law is provident and ſevere, and yet our Covetouſneſs is not reſtrained thereby. We evade the Laws by Feoffements in Truſt: And as if the Edicts of Emperors were greater than thoſe of CHRIST, we are afraid of their Laws, whilſt we contemn the Goſpels. It is evident by theſe Complaints made by theſe holy Fathers, that this fraudulent Way of catching at the Eſtates of Widows by fawning Arts and Aſſentation (whence theſe flattering Hypocrites were commonly called *Hæredipetæ*, and *Captatores*) was eſteemed no leſs a Theft, than that which was committed by open Violence and Oppreſſion.

[z] Hieron. Ep. 2. ad Nepotianum. Pudet dicere, Sacerdotes Idolorum, Mimi, & Aurigæ, & Scorta hæreditates capiunt; ſolis Clericis ac Monachis hac Lege prohibetur: Et non prohibetur à Perſecutoribus, ſed à Principibus Chriſtianis. Nec de Lege conqueror, ſed doleo cur meruerimus hanc Legem. —— Provida ſeveraque Legis cautio: Et tamen nec ſic refrænatur avaritia. Per Fidei commiſſa Legibus illudimus: Et quaſi majora ſint Imperatorum Scita, quam Chriſti, Leges timemus, & Evangelia contemnimus. Vid. Ep. 3. ad Nepotian. & Ep. 22. ad Euſtoch. It. Leo & Majorian. Novel. 8. Inſidioſa munuſcula diriguntur, ſubornantur Medici, qui prava perſuadeant, &c.

Oppreſſion. This was a ſcandalous Sort of Theft even among the Heathens; *Juvenal* [a] often ſpends his ſatyrical Wit upon it: And ſo does *Martial*, and *Seneca*, and *Pliny*, and *Lucian* [b] and many others. Which makes it leſs Wonder, that the Chriſtian Laws ſhould proſcribe it, and the Fathers ſo ſharply inveigh againſt it, even when it looked like a Means of augmenting the Revenues of the Church. But that ſhews the Purity of the ancient Diſcipline, that they would not ſpare a Crime that could appear with ſo fine an Aſpect; being utter Enemies to all ſcandalous and diſreputable Ways of increaſing the Clerical Maintenance, as I have had Occaſion to ſhew in ſeveral Inſtances, in ſpeaking more particularly of the Revenues of the Church.

Sect. 16. *Of Deceitfulneſs in Truſt.*

ANOTHER Sort of Fraud is committed in Matters of Truſt, as when a Steward or Servant embezells his Maſters Goods, or makes fraudulent and injurious Bargains for him; or when a Guardian or Tutor, who is intruſted with the Execution of a Dead Man's Will, acts an unfaithful Part, and enriches himſelf out of what was deſigned for the Maintenance of others; or when a Man denies or conceals or refuſes to reſtore any Thing that was depoſited with him, and committed to his Truſt. The Ancients were extremely conſcientious in this laſt Inſtance of Things committed to their Truſt; inſomuch as that *Pliny* himſelf can inform us, That it was one Part of their ſolemn Buſineſs every *Lord's-Day* to bind themſelves with a Sacrament, or an Oath, not to commit

[a] Juvenal. Sat. 5. ver. 98. Sat. 6. ver. 40. Sat. 10. 202. [b] Vid. Calvin. Lexicon Juridicum, voce, Captare.

mit any Wickedneſs, Theft [c], Robbery, Adultery; not to falſify their Word; not to deny any Thing wherewith they were intruſted, when they were required to deliver it up again. And therefore we may reaſonably conclude, That no one was thought qualified for Communion in ſuch a Society, who was guilty of Breach of Faith in any ſuch Truſt, which was both againſt the Laws of common Juſtice, and his own ſolemn Ingagement. Some Truſts were of a more ſacred Nature, being deſigned for the Service of GOD and the Poor: And Unfaithfulneſs in ſuch Truſts was therefore reckoned a double and a triple Crime, becauſe it added, as it were, Murder and Sacrilege to the Injuſtice. Upon this Account the fourth Council of *Carthage* [d] calls thoſe who endeavour to defraud the Church of ſuch Legacies or Oblations as were left her by the Dead, Murderers of the Poor; becauſe their robbing the Church of that which was given for the Maintenance of the Poor, was in effect to ſtarve and famiſh the Poor: And for ſuch Fraud and Cruelty they are ſubjected to the Cenſure of Excommunication. Among the Epiſtles of *Cyprian* there is a Letter of *Cornelius* Biſhop of *Rome* [e] to *Cyprian*, giving him an Account of one *Nicoſtratus* a Deacon, whom he charges with this Sort of Fraud: For he had not only cheated his temporal Patroneſs, whoſe Affairs he managed, but had carry'd away a great Part of the Revenues of the Church, which was intruſted with

[c] Plin. Lib. 10. Ep. 97. Seque Sacramento non in Scelus aliquod obſtringere, ſed ne furta, ne latrocinia, ne adulteria committerent, ne fidem fallerent, ne Depoſitum appellati abnegarent. [d] Conc. Carth. 4. can. 95. Qui Oblationes defunctorum aut negant Eccleſiis, aut cum difficultate reddunt, tanquam Egentium necatores, excommunicentur.

[e] Ap. Cypr. Ep. 48. al. 50.

with him as Archdeacon for the Maintenance of poor Widows and Orphans; for which Crime he was forced to fly from *Rome*, for fear of being called to give an Account of his Rapine and Sacrilege. And *Cyprian* himself in another Epistle [*f*] giving an Account to *Cornelius* of the Wickedness of *Novatus*, says, he had defrauded the Widows and Orphans, and deny'd the Church's Revenues, which were intrusted with him; for which and many other Crimes, as starving his own Father, and causing his Wife by a sudden Blow to miscarry, he had certainly been removed not only from his Seat in the Presbytery, but from all Communion with the Church, had not the Approach of a fierce Persecution put a stop to his Tryal and Condemnation. By which it appears, That there was no Crime more heinously resented than this of Unfaithfulness in Trust, nor any more severely pursued and punished by the Censures of the Church.

Sect. 17. *Of Deceitfulness in Traffick.*

THE last Sort of Fraud is that which is committed in Traffick and Commerce between Buyer and Seller. The Buyer may be guilty either in taking Advantage of the Ignorance of the Seller, when he knows not the true Value of his own Goods; or in taking Advantage of his Necessity, when his Poverty compells him to sell at an Under-Rate; or in paying him in false and corrupt Coin, which is the same Thing as defrauding him in the Original Contract. This last Sort of Fraud was severely punished by the *Roman* Laws both Heathen and Christian. For the Vender, as well as the Forger of false Coin is condemned in all the Penalties of Fraud recounted in the

[*f*] Cypr. Ep. 49. al. 52. ad Cornel. p. 97.

the *Pandects* [*g*]. And *Conſtantine* made it a Capital Crime [*h*] not only for any one to adulterate, or clip, or diminiſh the Coin, but alſo to paſs any ſuch away knowingly in Payment to others, to put a wilful Cheat upon them. And though this be not expreſsly and particularly ſpecify'd in the *Eccleſiaſtical Law*, yet being a principal Fraud, it muſt be comprehended under the general Title of Frauds, which came under the Cognizance of the Spiritual Juriſdiction. For Fraud was always reckoned a Crime of the firſt Magnitude; St. *Auſtin* [*i*] puts it in the ſame Claſs with Murder, Adultery, Fornication, Theft, and Sacrilege: And *Tertullian* joyns it [*k*] with the great Sins of Blaſphemy, Idolatry, Apoſtacy, Murder and Adultery, which defile the Temple of GOD, and unqualify Men for Chriſtian Communion. As to the Buyer's Overreaching the Seller by taking Advantage of his Ignorance or Unskilfulneſs in the juſt Value of his Commodity, this being a Thing not eaſy to be diſcovered or proved, it may be ſuppoſed to be a Fraud rather left to his own Conſcience, than ordinarily brought under publick Diſcipline. Yet certain it is, a conſcientious Man will not load his Soul even with this Guilt. St. *Auſtin* [*l*] gives a rare Inſtance of ſingular Juſtice in this Caſe. He ſays, he knew a Man, who having a Book offered him to

[*g*] Digeſt. Lib. 13. Tit. 7. de Pignoratitia Actione. Leg. 1, & 16. Lib. 48. Tit. 10. ad Legem Corneliam de Falſo. Leg. 9.

[*h*] Cod. Theod. Lib. 9. Tit. 22. Si quis ſolidi circulum inciderit, vel adulteratum in vendendo ſubjecerit. Leg. 1. Capite puniri debet, aut flammis tradi, vel alia pœna mortifera, ſi quis menſuram circuli exterioris adraſerit, vel figuratum ſolidum adultera imitatione in vendendo ſubjecerit.

[*i*] Aug. Tract. 41. in Joan. T. 9. p. 126. [*k*] Tertul. de Pudicit. cap. 19. Cont. Marc. Lib. 4. cap. 9. [*l*] Aug. de Trinit. Lib. 13. cap. 3.

to be ſold at an Under-rate, by one who underſtood not the true Value of it, gave him the juſt Price of it; ſurprizing him by an uncommon Generoſity and Equity, which allows no Man to take Advantage of another's Ignorance; though it be againſt the general Maxim of the World, which loves to buy Cheap, and ſell Dear (as the Mimick ſaid, when he undertook to divine and tell all Men their Wiſhes) whatever evil Conſequences may attend it.

ON the other hand, Fraud may be committed alſo by the Seller, and that ſeveral Ways; either by Over-rating the Commodity to the ignorant and neceſſitous Buyer, which is alſo Extortion and Oppreſſion; or by vending corrupt Wares, which are not really and trully what they are ſaid or appear to be, which is a Fraud in the Quality; or by uſing falſe Weights and Meaſures, which is a Fraud in the Quantity of the Thing contracted for, and which is commonly branded with this Note in Scripture, That *it is an Abomination to the* LORD. The old *Roman* [*m*] Laws were exceeding careful about this Matter of juſt Weights and Meaſures. The Ediles were obliged to examine them; the Standards of both were religiouſly kept in the Capitol: And thence, afterward in Chriſtian Times, they were removed and placed under the Cuſtody of Biſhops in the Churches, as appears from *Juſtinian's* [*n*] *Pragmatick Sanction*, and one of his *Novels* [*o*] to this Purpoſe. Every City, and Manſion, or Place of Cuſtom, had likewiſe their publick Standards, as well to prevent the Frauds of the Exactors of Tribute, as thoſe of others in private Contracts one with another. To which Purpoſe there

[*m*] Vid. Digeſt. Lib. 48. Tit. 10. ad Legem Corneliam de Falſo. Leg. 32. [*n*] Juſtin. Pragmat. Sanct. cap. 19.
[*o*] Juſtin. Novel. 128, cap. 15.

are ſeveral Laws of *Theodoſius* [p], and *Honorius* [q], and *Valentinian* III [r], and *Majorian* [s] in the *Theodoſian Code*. And very ſevere and capital Puniſhments are there appointed for all ſuch as were found guilty of Fraud in altering or corrupting the publick Standard. The Church has not many particular Laws about this in her Diſcipline: But it being a flagrant Crime in the Eye of the State, we may preſume ſhe puniſhed Offenders in this Kind by the general Laws againſt Fraud, without ſpecifying all particular Caſes. The Author of the *Conſtitutions* [t] gives a general Rule about this Matter, when he orders the Biſhop to reject the Oblations of all ſuch as were noted by the common Name of ῥαδιυργοὶ, fraudulent Dealers: And he more particularly marks the δολομέλεαι, thoſe that uſed Fraud in Meaſures, and the ζυγοκρῦσαι, that is, ſuch as though they did not uſe falſe Weights, and Balances of Deceit; yet uſed a more ſly Art and Fraud, in giving a Turn to the Scale with their Fingers, to gain that by Artifice and Sleight of Hand in Weighing, which they durſt not venture to do by falſe Weights. *Conſtantine* alſo takes Notice [u] of this Fraud in one of his Laws, where he forbids the Receivers of Tribute to uſe any Art with their Fingers to preſs down the Scale, but to be exact in Poyſing and Libration, that no one might complain of any Injuſtice done him. And it is obſervable, That *Julian* [x] to

[p] Cod. Th. Lib. 12. Tit. 6. de ſuſceptoribus. Leg. 19. In ſingulis Stationibus & Menſuræ, & Pondera publice conlocentur, ut fraudare cupientibus fraudandi adimant poteſtatem. It. Leg. 21. [q] Cod. Th. Lib. 11. Tit. 7. de ſuper-exactionibus. Leg. 3. [r] Cod. Th. Lib. 12. Tit. 6. de ſuſceptor. Leg. 32. It. Novel. Valentin. & Theodoſ. 25. de Pretio ſolidi. [s] Majorian. Novel. 1. Vid. Sidon. Apollinar. Lib. 5. Ep. 7. & Caſſiodor. Lib. 5. Ep. 39. Lib. 11. Ep. 16. [t] Conſtit. Lib. 4. c. 6.

[u] Cod. Th. Lib. 12. Tit. 7. de Ponderatoribus. Leg 1. Aurum quod infertur, æqua lance & libramentis paribus ſuſcipiatur: Nec Pondera deprimant, &c.

[x] to prevent ſuch Frauds in Weighing, appointed a ſtanding Officer in every City (whom he calls by a *Greek* Name, *Zygoſtates*, that is, the Publick Weigher, or Superviſor of the Scale) who was to determine all Controverſies ariſing about Weight between Buyer and Seller, and put an End to them by examining what was ſuſpected, by the publick Standard. And the Care of an Heathen Emperor to correct Frauds and Abuſes of this Nature, made it more reaſonable for the Church to look into them, and bring Delinquents of this Kind under Penance by the Power of Eccleſiaſtical Cenſure.

THE Author of the *Conſtitutions* likewiſe takes Notice of the other Sort of Fraud, which may be committed in Traffick by diſſembling the ill Qualities of Things, and Vending corrupt Wares under the Notion and Appearance of that which is perfect and good. As when a Man puts off Braſs for Gold, or a Mixture of Water or other Liquor for pure Wine. Therefore in his Directions to the Biſhop, whoſe Oblations he ſhall receive, and whoſe refuſe at the Altar, he ſays, In the firſt Place he ſhall reject thoſe whom the *Greeks* call, κάπηλοι; and the *Latins*, *Caupones*; by which he does not mean Victuallers ſtrictly, or Merchants or Tradeſmen in general, though the Words be ſo ſometimes taken; but fraudulent Huckſters, who corrupt and adulterate their Wares, to make the greater Gain and Advantage of 'em. As appears from that Paſſage, which, according to the *Septuagint*, he quotes out of *Iſaiah*, i. 22. οἱ κάπηλοί σου μίσγουσι τὸν οἶνον πῷ ὕδατι, *Thy Huckſters mingle Wine with Water*. *Lactantius* [y] argues this Point acutely againſt *Carneades* the Heathen Philoſopher, who taught,

[x] Ibid. Leg. 2. Placet, quem ſermo Græcus appellat, perſingulas Civitates, conſtitui Zygoſtaten, ut ad ejus Arbitrium & ad ejus fidem, ſi qua inter Vendentem Emptoremque in ſolidis exorta fuerit contentio, dirimatur.

[y] Lact. Lib. 5. cap. 17, & 18.

That if a Man has a fugitive Slave, or an infected and peſtilential Houſe, which he ſets to Sale, he is bound in Prudence not to diſcover their Faults; becauſe if he does, he ſhall either ſell them for little, or not at all. Which he calls poyſonous Doctrine, and ſhews it at large to be both againſt the Rules of Chriſtian Juſtice, and Prudence alſo. For nothing can be more valuable to a Man than keeping Innocence and a good Conſcience. Upon this account St. *Hilary* [z] ſays, Whoever either deſigns, or commits Fornication, or Murder, or Theft, or Fraud, or Rapine, makes his Body a Den of Thieves. Some of the Ancients indeed [a] are a little more ſevere againſt Negotiating in any Trade, except a Manual Art, for Gain, becauſe of the Danger of Fraud, that ſticks ſo cloſe between Buying and Selling: But Pope *Leo* [b] more favourably diſtinguiſhes between honeſt and filthy Gain, and ſays, The Quality of the Gain either excuſes or condemns the Tradeſman. So that it was not all Trade and Merchandize that they condemned as ſimply unlawful in itſelf, but only when it was accompany'd with ſuch fraudulent Practices, as made it an unconſcionable Gain, and no better than a plauſible Theft, and more artificial Way of Robbery.

THE laſt Sort of Fraud in the Seller is committed by Over-rating his Commodity; which is done either by Monopolizers, when a ſingle Man, or a Body of Men, get the ſole Power and Propriety of any Commodity into their own Hands, and ſet what arbitrary Price they pleaſe upon it; or when the Seller takes the

[z] Hilar. in Pſal. 118, 139. p. 278. Corpora, cum cogitamus aut agimus Stupra, cædes, furta, falſitates, rapinas, ſpeluncam latronum conſtituimus. [a] Vid. Tertul. de Idol. cap. 11. Epiphan. Expoſ. Fid. n. 24. Auctor Operis Imperfecti in Mat. 21. 12. [b] Leo. Ep. 92. ad Ruſtic. cap. 9. Qualitas lucri negociantem aut excuſat, aut arguit: quia eſt honeſtus quæſtus aut turpis.

the Advantage of the Ignorance or Neceſſity of the Buyer to inhance his Price, and make a Gain of his Weakneſs, his Poverty, or his Indiſcretion. Againſt the Fraud of Monopolizers, there is a famous Law of the Emperor *Zeno* [c] in the *Juſtinian Code*, where he firſt forbids any ſingle Man to monopolize any Wares under the Penalty of Confiſcation of all his Goods, and perpetual Baniſhment of his Perſon: And then proceeds to inhibit any Body of Men to combine in any unlawful Contract not to ſell their Goods but at a certain Rate, under the Penalty of forfeiting Forty Pound of Gold: He likewiſe prohibits all Artificers and Workmen from Combining among themſelves, That if any one undertook a Work for another Man, and left it unfiniſhed, no one of the ſame Occupation ſhould meddle with it to finiſh it without the Conſent of the firſt Undertaker: Which was an Art of raiſing their Labour to what arbitrary Price they were pleaſed to ſet upon it. To obviate which Fraud, and the Difficulty which honeſt Men thereby lay under, he diſſolved all ſuch unlawful Contracts and Combinations, and left Men at perfect Liberty, when they were deſerted by one Workman, to employ another, without any Fear or Moleſtation ariſing from the Pretence of any Pre-ingagement.

THE other Way of enhancing the Price, by the Seller's taking Advantage of the Buyer's Ignorance or Indiſcretion, is what no Laws could well provide againſt in all Caſes: And therefore it was rather left to the Equity and Conſcience of Men, to be examin'd and judged by the Divine Law, than brought under any certain Rules of human Judgment. However, be-

[c] Cod. Juſtin. Lib. 4. Tit. 59. de Monopoliis. Leg. 1. Si quis Monopolium auſus fuerit exercere, bonis propriis expoliatus, perpetuitate damnetur exilii, &c.

ing a Species of Fraud, and Extortion, and Oppreſſion, it is probable the Governors of the Church took Occaſion in many notorious Caſes to condemn it under the general Title of ῥαδιυργία, that baſe Craft, and Gain that is gotten by Impoſture in any Kind, for which the Biſhop in the *Conſtitutions* [*d*] is required to debar Men from making their Oblations at the Altar.

AND to this Head may be reduced the Selling of that to which the Seller himſelf has no juſt Title; as the Selling of Fugitive Slaves belonging to another Maſter, which the Law forbids [*e*], both becauſe it is a Sort of Plagiary in the Seller, and an Impoſition upon the Buyer, and an Incouragement to the Slaves to rob and pillage, and deſert their proper Maſters. Such is alſo the Selling Things of no real Worth, but a mere Fraud and Impoſture; as, the taking Money for Calculating Nativities, and Telling of Fortunes, and Divining for Things loſt, and many the like vain Practices, which the Canons condemn, not only as curious and ſuperſtitious Arts, but as fraudulent [*f*] and cheating Tricks, impoſing upon Men by Cozenage and Impoſture. All which, and a Thouſand other Ways of Pillaging, Oppreſſing and Defrauding, the Church in her Diſcipline cenſured as direct Methods of committing Theft and Robbery.

Sect. 18. *Of abetting and concealing Robbers; and Buying ſtolen Goods,* &c.

BUT beſides the direct Ways of committing this Sin, there were ſeveral other baſe and diſallowable Practices, which virtually and by juſt Conſtruction might be interpreted Theft: As the harbouring, abetting, and concealing Robbers; Buying of ſtolen

[*d*] Conſtit. Lib. 4. cap. 6. [*e*] Cod. Juſtin. Lib. 9. Tit. 20. ad Legem Fabiam de Plagiar. Leg. 6. [*f*] Conc. Trul. can. 61.

len Goods; Leading an idle Life without any lawful Vocation; Spending in Prodigality or unlawful Gaming that which was deſigned for the Maintenance of others. All which either the Laws of Church or State cenſured as ſo many indirect Ways of encouraging or committing Robbery. The Laws of the State laid a ſevere Penalty upon all that ſheltered any Criminals in any kind whatſoever. *Valentinian* in one Law condemns them as Aſſociates [*g*] with the Criminals, and makes them liable to the ſame Puniſhment. In another [*h*] Law he particularly condemns ſuch as harbour Robbers and skreen them from publick Juſtice; making them liable either to corporal Puniſhment, or Confiſcation of all their Goods, according to the Quality of their Perſons. And if any Agent or Steward ſheltered them without his Lord's Knowledge, he was to be burnt alive. There is another Law of *Marcian* to the ſame Effect in the *Juſtinian* [*i*] *Code*, ſhewing how Men are to be treated who entertain Robbers, and uſe Force to protect and defend them.

THEY who bought ſtol'n Goods, knowing them to be ſuch, were alſo deemed guilty of partaking in the Theft, becauſe this was an Encouragement to Robbers, and a Sort of Approbation of them. St. *Chryſoſtom* [*k*] and St. *Auſtin* [*l*] make this Remark upon thoſe Words of the *Pſalmiſt*, *When thou ſaweſt a Thief, thou conſentedſt unto him*, That to ſhew

[*g*] Cod. Th. Lib. 9. Tit. 29. Leg. 1. Eos qui ſecum alieni criminis reos occulendo ſociarunt, par atque ipſos reos pœna expectet. [*h*] Ibid. Leg. 2. Latrones quiſquis ſciens ſuſceperit, vel offerre Judiciis ſuperſederit, ſupplicio corporali, aut diſpendio facultatum, pro qualitate Perſonæ ex Judicis æſtimatione plectatur. Si vero Actor, ſive Procurator domino ignorante occultaverit, & Judici offerre neglexerit, flammis ultricibus concremetur. [*i*] Vid. Cod. Juſtin. Lib. 9. Tit. 41, de his qui Latrones occultaverint. Leg. 2. [*k*] Aug. in Pſal. 49. T. 8. p. 194. [*l*] Chryſ. in Loc. T. 3. p. 301.

a Liking to the Thief, is the ſame Thing as committing the Robbery. And certainly none can ſhew a greater Liking to him, than he who for a little filthy Lucre gives Encouragement to him by trafficking and negotiating with him, as ſome Criticks obſerve the *Arabick* Tranſlation literally renders the Phraſe of the *Pſalmiſt*. There is but one Caſe in which the Caſuiſts allow Men to buy of a known Thief, and that is when he can do it for a ſmall Matter with an Intent to reſtore what is ſtol'n to the true Owner. For in that Caſe he intends not the Encouragement of the Thief, but the Intereſt and Advantage of the juſt Proprietor. And for this they alledge [*] the known Rules of the *Civil Law*. But in all other Caſes to negociate with Thieves is to partake in their Sin, and to incourage and ſtrengthen them in their ſubſequent Villanies. Therefore this and all other Ways of Partaking and Co-operating with Thieves (of which there are various Methods noted and ſummed up by the Doctors [*m*] in the Schools [*n*]) were anciently computed in the general Account of Theft and Fraud, and accordingly puniſhed with Eccleſiaſtical Cenſure.

Sect. 19. *Idleneſs cenſured as the Mother of Robbery.*

NEITHER was it only the aſſociating and partaking with Robbers which they thus condemned, but all ſuch unlawful Vocations, or rather want of Vocation, as put Men in a manner upon the Neceſſity of ſtealing, and having Recourſe to Fraud and Violence, as the only Support of a diſſolute Life. Idleneſs they eſteemed the Mother and Nurſe of Theft, and a Life without Employment as no better than that of a common Robber: Becauſe

[*] Vid. Leſſium de Jure & Juſtit. Lib. 2. cap. 14. p. 171.

[*m*] Aquin. 2ª. 2ªe. Quæſt. 62. Art. 7. [*n*] Juſſio, Conſilium, Conſenſus, Palpo, Recurſus Participans, Mutus, non obſtans, non manifeſtans.

Becauſe Men of that Character were only, *Fruges conſumere nati*, born to devour that which of Right belonged to others. Therefore the Laws both of Church and State are very ſevere againſt all ſuch. There is a Law of *Valentinian Junior* in the *Theodoſian Code* [o] againſt young, ſtout, luſty Beggars, who being Slaves or Freedmen able to work, yet fled from their Maſters to *Rome*, to skulk in Corners, and live as Drones upon falſe Charity: Whom he orders to be examined, and if they were found able to work, they ſhould either become the Poſſeſſion of the Informer who diſcovered them, or be returned to their Original Maſters, who had a good Action in Law againſt any who either harboured ſuch Fugitives, or by their Counſels inſtigated them to Deſertion. *Juſtinian* inſerted this Law into his *Code* [p] likewiſe, and ſet forth a new Edict of his own to the ſame Purpoſe. The Church alſo was very careful in this Matter, not to ſuffer ſtout idle wandring Beggars to devour the Revenues of thoſe that were really Infirm and Poor. Upon this Account ſhe forbad any of her Clergy to rove about the World, or wander from one Dioceſs to another without Letters Dimiſſory, as ſome did under the ſcandalous Name of Βακάντιοι, Men out of Buſineſs, as I have had Occaſion to ſhew [*] more fully in another Place. She obliged all her Monks and Men of the *Aſcetick* Life to live upon their own Labour. Inſomuch that a Monk, who did not work, was looked upon as a Thief and a Defrauder, as *Socrates* [q] tells us the *Egyptian* Fathers were uſed to expreſs themſelves concerning ſuch as eat other Mens Bread for nought. St. *Auſtin* [r] wrote a whole Book to

[o] Cod. Th. Lib. 14. Tit. 18. de Mendicantibus non invalidis. Leg. 1. [p] Cod. Juſtin. Lib. 11. Tit. 25. de Mendicantibus Validis. Leg. 1. [*] Book VI. Chap. iv. n. 5.
[q] Socrat. Lib. 4. cap. 23. [r] Aug. de Opere Monachorum. cap. 17, &c.

to prove this to be the proper Duty of a Monk, to live upon his own Labour, where he anſwers all Objections that can be made to the contrary. And there are innumerable Paſſages in other ancient Writers upon the ſame Topick, to which I have referred the Reader in diſcourſing upon the Rules of the *Monaſtick* Life [*] in a former Book. Here I ſhall only add one noted Paſſage of St. *Ambroſe*, where he gives Rules and Directions for diſpenſing Charity with Prudence only to ſuch as really want it. There ought to be, ſays he [*e*], a due Meaſure obſerved in Liberality, that our Charity be not uſeleſs: And this Moderation is chiefly to be regarded by Biſhops and Prieſts, that they do not diſpenſe (the Churches Treaſure) to importunate Beggars, but as the Juſtice and Neceſſity of the Caſe requires: For none are commonly more greedy in their Petitions than ſuch as thoſe. Many come a begging, who are Luſty and Strong; many come, who have no other Reaſon but an idle vagrant Humour; who would evacuate the Subſidies of the Poor, or empty their Cheſts, and conſume what is laid up for their Maintenance: Neither are they content with a little, but require great Largeſſes; they appear as Gentlemen in their Dreſs, and make that a Means to promote their Petition, and pretending to be Men of good Birth, they make Uſe of that as an Argument to gain a greater Contribution. If any one is too eaſy in giving Credit to ſuch as theſe, he will quickly defeat thoſe uſeful Methods which are taken for the Maintenance of the Poor. Therefore a Moderation is to be obſerved in Giving; that neither ſuch may be ſent away Empty, if really in Want; nor the Livelihood of the Poor be turned into another Channel, to become a Spoil and Prey to the Frauds of the Crafty. 'Tis plain from ſuch Accounts as

[*] Book VII. Chap. iii. n. 10. [*e*] Ambroſ. de Offic. Lib. 4. cap. 16.

as theſe, that they looked upon an idle Life as no better than living upon the Spoils of the Poor, and a Robbery of the worſt Sort; becauſe it often joyn'd Fraud and Cruelty to the Theft, making uſe of falſe Pretences to divert the Current of Mens Charity from the Widow and the Fatherleſs, and turn it to themſelves; who had no Neceſſity but what they voluntarily made to themſelves, either by their Idleneſs, or luxurious and prodigal Way of Living: The ſupporting of which was an arrant Theft and Robbing of the Poor, which is the Height and Extremity of Cruelty and Oppreſſion. And therefore as the Laws of the State made Idleneſs in Vagrants an actionable Crime, ἀργίας δίκη the Law itſelf terms it: So the Rules of the Church brand it as an infamous way of Living, and worthy of Eccleſiaſtical Cenſure.

Sect. 20. *And Gaming, as an Occaſion of Fraud, and Ruin of many poor Families, who by this Means were reduced to the greateſt Exigence.*

To this they added Gaming, as another Way of Cheating and Defrauding; and that in a double Reſpect, becauſe Men thereby were inclined to Cozenage and Deceit, and often ruined their Families, who by this Means were reduced to the greateſt Poverty and Want by the Diſſoluteneſs and Folly of a wicked Parent. There might be many other Reaſons for Declaiming againſt this Vice, as that it is a reproachful Way of diſſolute Living, and ſpending Mens Time in Luxury, condemned by many wiſe and ſober Heathens; that the old *Roman* Laws puniſhed Gameſters with Baniſhment, and many other ſevere [t] Penalties; That Gaming inclines Men to many great and horrible Vices, as Covetouſneſs, Perjury, Lying, Curſing and Swearing, Anger and Paſſion, Quarrelling and Murder, and Rioting and Intemperance of all Sorts:

[t] *See* Biſhop Taylor. Duct. Dubit. Book 4. Chap. i. p. 776.

Sorts: But I conſider it here only as attended with the evil Effects of Fraud and Conſumption of Mens Eſtates, which involves many poor Families in Ruin, in which Notion it is a downright Theft and Robbery. And as ſuch it was anciently prohibited by the Rules of the Church, not only to the Clergy, but the Laity alſo. "If any Biſhop, Presbyter, or "Deacon, ſays one of the *Apoſtolical Canons* [*u*], "ſpend his Time at Dice or in Drinking, let him ei-"ther refrain, or be depoſed." And the next Canon adds, "If any Subdeacon, Reader, or Singer do the "like, let him be excommunicated, and Laymen "alſo." And ſo the Council of *Eliberis* ſeparates all Gameſters in general from the Communion. "If any "Chriſtian [*x*] play at Dice or Tables, let him be "reſtrained from Communicating: But if he leaves "off and amends, after a Year's Penance he may be "reconciled." *Albaſpinæus* thinks the Reaſon of the Prohibition was [*y*], becauſe the Dice had the Images of the Heathen Gods, as *Venus*, &c. imprinted on them inſtead of Numbers, and that Men in their Play called upon them for good Fortune: But if ſo, I conceive, a greater Penalty would have been impoſed upon them, as upon Idolaters, by this Council. Therefore it is more reaſonable to ſuppoſe, That the Council conſidered Gaming as a miſpending of Mens uſeful Time, and Conſumer of their Fortunes, and Deſtruction of their Families, and an Inlet to Fraud and Covetouſneſs, and all the forementioned Vices; and under that Notion, condemned ſuch as made a Trade and Buſineſs of it, and not a Diverſion. Upon this account St. *Ambroſe* pronounces [*z*] the Gain that is got by Dice and Gaming to be no better than Theft,

[*x*] Conc. Eliber. can. 79. Si quis Fidelis Alea, id eſt, Tabula luſerit, placuit eum abſtinere: Et ſi emendatus ceſſaverit, poſt annum poterit reconciliari. [*y*] Albaſpin. in Loc.

[*z*] Ambroſ. de Tobia. cap. 1.

Theft, or unmerciful and griping Uſury, and that the Man who gives himſelf to it, leads the Life of a ſavage wild Beaſt. And *Juſtinian* made a Law [*a*], That no one ſhould be obliged to pay what he loſt at Dice; or if he had paid it, he or his Heirs might recover it at Law of the Winner or his Heirs for thirty Years after and longer. Or if he did not reclaim it, any one elſe might do it, or the Chief Magiſtrate of the City, the Defenſor might exact it, and lay it out upon ſome publick Work or Building for the Uſe of the City. And in ſuch Games as were [*b*] permitted, he allowed the Richeſt to play for no more than one Shilling, and others only in Proportion to their Subſtance. And this was a very wiſe Law, conſidering the Complaint which St. *Jerom* makes, That whilſt Men play for vaſt Sums, and ſtake [*c*] their whole Eſtates at once, the Poor ſtand naked and hungry before their Doors, and CHRIST periſhes and is ſtarved to Death in his poor Members for want of their Relief. Nay many Times their own Fleſh and Blood, their Families and Relations are ruined by their Folly in one Night. And what Character or Puniſhment could be thought too bad for ſuch? He that provides not for his own, and eſpecially thoſe of his own Houſe, has deny'd the Faith, and is worſe than an Infidel. And for this Reaſon both the *Civil* and *Eccleſiaſtical Laws* were ſo ſevere againſt Dice and Gaming, becauſe of ſuch evil Conſequences ſo commonly attending them, when they are undertaken for undue Ends, and purſued by falſe Meaſures, only to ſerve Mens Fraud and

[*a*] Cod. Juſtin. Lib. 3. Tit. 43. de Aleatoribus. Leg. 1. Victum in Aleæ luſu non poſſe conveniri: Et ſi ſolverit, habere repetitionem tam ipſum quam hæredes ei adverſus victorem & ejus hæredes, idque perpetuo & etiam poſt triginta annos, &c.

[*b*] Vid. Ibid. Leg. 2. [*c*] Hieron. Ep. 12 ad Gaudentium. Poſita dum luditur arca, ſtat pauper nudus atque eſuriens ante fores, Chriſtuſque in paupere moritur.

and filthy Lucre. Otherwiſe, to play γεεσϊκῶς, as old Men uſed to play, for Diverſion, and not for Lucre, is what wiſe and good Men have always innocently done [e] without any Reproach or Cenſure. And ſo I have done with the ſeveral Sorts of Theft and Robbery, which are great Tranſgreſſions of the Eighth Commandment; by which we may judge of the Miſtake of thoſe who confine the Diſcipline of the Church to the Puniſhment of three Capital Crimes, Idolatry, Adultery and Murder: For it will be hard to bring Theft under any of thoſe Denominations, unleſs we ſay all Theft is Covetouſneſs, and Covetouſneſs is Idolatry. But in that large Senſe of Idolatry, which is ſerving our own Affections more than GOD, not only Covetouſneſs, but Adultery and Murder will be Idolatry alſo. And then all Crimes might be reſolved into one, and the Church had nothing to do but to puniſh one Crime under different Species of Idolatry: Which does by no Means rightly explain her Diſcipline, which makes Idolatry a diſtinct Crime againſt a Command in the firſt Table of the Decalogue, as Diſobedience to Parents, Adultery, Murder, and Theft are againſt the ſecond Table; and according to this Order I have hitherto conſidered them in this Diſcourſe.

CHAP. XIII.

Of great Crimes againſt the Ninth Commandment, Falſe Accuſation, Libelling, Informing, Calumny and Slander, Railing and Reviling, &c.

Sect. 1. Of *Falſe Witneſs.*

THE Intent of the Ninth Commandment is to ſecure our Neighbour's Credit from Injury by ſpreading falſe Reports concerning

[e] *See* Biſhop Taylor, Duct. Dubit. Book 4. Chap. i. p. 776.

ing him to the Prejudice of his Good Name and Reputation. This is ſometimes done in a publick Manner, by bearing falſe Witneſs againſt him: And then it is adding Perjury to the Calumny, and ſometimes Theft and Murder alſo: For it may affect not only his Credit, but his Fortune, and his Life too; as it did in the Caſe of *Naboth*, who was ſtoned to Death upon a falſe Accuſation, *Naboth did blaſpheme* GOD *and the King*. And ſo our SAVIOUR and many of his Diſciples after Him, ſuffered by the malicious and falſe Imputations of their Enemies, the *Jews* and *Heathens*. The Greatneſs of the Crime in theſe Reſpects has been already ſhewed under the ſeveral Titles of Perjury, Theft, and Murder: Here I only conſider it as an Injury to Mens Reputation, which being a Thing dear and valuable to all Men, the Laws were very careful to ſecure Men in the quiet Enjoyment of it, and puniſh all baſe Attempts to ruin and deſtroy it. *Aulus Gellius* [*a*] tells us, The Puniſhment of Falſe-Witneſs among the old *Romans*, by the Law of the Twelve Tables, was to caſt the Criminal Headlong from the Top of the *Tarpeian* Rock: And he thinks, if this puniſhment had continued, it might have been of great Service to the *Roman* Commonwealth, in deterring Men from the Commiſſion of this Crime by its juſt Severity. Afterward by a Law, called, the *Lex Remmia* [*b*], Falſe Witneſſes were burnt in the Face, and ſtigmatized with the Letter *K*, denoting them to be Calumniators or falſe Accuſers.

[*a*] Gell. Noct. Attic. Lib. 20. cap. 1. An putas, Favorinus, ſi non illa etiam ex duodecim Tabulis de Teſtimoniis falſis pœna abolevisſet: Et ſi nunc quoque, ut antea, qui falſum Teſtimonium dixiſſe convictus eſſet, e Saxo Tarpeio dejiceretur, mentituros fuiſſe pro Teſtimonio tam multos, quàm videmus? [*b*] Digeſt. Lib. 48. Tit. 16. ad Senatuſconſultum Turpillianum. Leg. 1. Calumniatoribus pœna Lege Remmia irrogatur.

cuſers. In Oppoſition to whom the Law [*c*] calls Honeſt Men, *Homines integræ Frontis*, Men without any ſuch Mark ſet upon them. This Law and Puniſhment is often mentioned by the *Roman* Writers, *Tully* [*d*], *Pliny* [*e*], and others [*f*]. And though the Chriſtian Law aboliſhed it, as it did that of the Croſs and ſome others, yet ſtill falſe Accuſation and Calumny were corrected with ſuitable Puniſhments, ſuch as Infamy, Baniſhment, and ſuffering the ſame Evil, by the Law of Retaliation, which the falſe Accuſer intended to draw upon others; as appears from ſeveral Laws [*g*] in the *Imperial Codes*, and particularly thoſe which bind the accuſing Party to undergo the ſame Puniſhment, which his falſe Accuſation tended to bring upon the ſuppoſed Criminal, if he did not make good his Charge againſt him. We have already [*] ſeen a Law of *Valentinian* and *Gratian*, ordering, That whoever impleaded another either in regard to his Fame and Reputation, or his Fortune, or his Life, ſhould undergo the ſame Penalty he intended to bring upon the Party ſo impeached, if he proved a Calumniator, and did not fairly make out his Action. And every Accuſer was ty'd in Bonds, which the Law [*h*] calls, *Vinculum Inſcriptionis*, to ſuffer a Retaliation, or Similitude of Puniſhment, upon Failure of evincing his Charge againſt another. Such Care was taken by the Secular Laws to diſcourage Delators or falſe Informers, and preſerve the Fame and Reputation of innocent Men againſt the vile

[*c*] Digeſt. Lib. 22. Tit. 5. de Teſtibus. Leg. 13. Teſtimonii fides, quod integræ frontis homo dixerit, &c. [*d*] Cicero Orat. 2. pro Roſcio. n. 55 & 57. [*e*] Plin. Panegyric. p. 106.

[*f*] Vid. Demſter. Addit ad Roſin. Lib. 9. cap. 16. p. 1517.

[*g*] Cod. Theod. Lib. 9. Tit. 39. de Calumniatoribus. Leg 1, 2, 3. Lib. 16. Tit. 2. de Epiſc. & Cler. Leg. 21. Cod. Juſtin. Lib. 9. Tit. 46. de Calumniatoribus. Leg. 7, & 8, 9, 10.

[*] Chap. XII. n. 15. [*h*] Cod. Theod. Lib 9. Tit. 1. de Accuſationibus & Inſcriptionibus. Leg. 9, 11, 14, 19.

vile Attempts of ſuch dangerous Aggreſſors. Nor were the *Eccleſiaſtical Laws* leſs ſevere in their Way againſt ſuch Tranſgreſſors. The falſe Witneſs in any Caſe was to do Penance Five Years for his Crime by a Canon of the Council [*i*] of *Eliberis*. And this, provided it was not in the Caſe of Death. For in that Caſe, being the Crime of Murder, the Criminal was to be debarred from Communion to the very laſt, as has been ſhewed before [*] in ſpeaking of Murder. The Councils of *Agde* [*k*] and *Vannes* impoſe a general Penance upon ſuch Offenders, without naming the Term or Duration of their Penance, which was left to the Diſcretion of the Biſhop, who was to judge of the Sincerity of their Repentance. But the firſt Council of *Arles* [*l*] obliges them to do Penance all their Lives: And the ſecond [*m*] only moderates their Puniſhment ſo far as to leave it to the Biſhop to determine of their Repentance and Satisfaction.

Sect. 2. *Of Libelling.*

ANOTHER Way of injuring Mens Credit and Reputation, was, by ſpreading falſe Reports in a covert and clandeſtine manner, which the Laws calls Libelling. This was done, when a Man was

[*i*] Conc. Eliber. can. 74. falſus Teſtis prout crimen eſt abſtinebit; ſi tamen non fuerit mortis quod objecit. Et ſi probaverit quod diu tacuerit, biennii tempore abſtinebit. Si autem non probaverit in conventu Clericorum, placuit per quinquennium abſtinere. [*] Chap. X. n. 9. and 10. [*k*] Conc. Agathen. can. 37. Cenſemus Homicidas & falſos Teſtes a Communione Eccleſiaſtica ſubmovendos, niſi Pœnitentiæ ſatisfactione crimina admiſſa diluerint. Vid. Conc. Veneticum. can. 1. *in the ſame Words. And* Conc. Carthag. 4. can. 55. [*l*] Conc. Arelat. 1. can. 14. De his qui falſo accuſant fratres ſuos, placuit, eos uſque ad exitum non communicare, &c.

[*m*] Conc. Arelat. 2. can. 24. Eos qui falſa fratribus Capitula objeciſſe convicti fuerint, placuit, uſque ad exitum non Communicare (ſicut magna Synodus ante conſtituit) niſi digna ſatisfactione pœnituerint.

was accuſed by a Bill of Indictment, to which the Author was afraid to ſet his Name. And ſuch Accuſations were of no Force in Law, but were appointed to be torn in pieces or burnt; and no Man might read, or retain, or divulge them, without being reputed the infamous Author of them. The Chriſtian Emperors were extremely careful in diſcouraging all ſuch baſe Attempts upon Mens Credit and Reputation, as may be ſeen in the ſeveral Laws of *Conſtantine*, *Conſtantius*, *Valentinian* and *Valens*, *Theodoſius* and *Arcadius*, in the *Theodoſian Code*, under the Title, *de famoſis Libellis*. It will be ſufficient to repeat one of them made by *Valentinian* [*n*] in this Tenour: The very Name of ſcandalous Libels is infamous. Therefore whoever collects, or reads them, and does not immediately commit them to the Flames, ſhall be liable to be condemned to a Capital Puniſhment. By which it is eaſy to judge how infamous the Authors of ſuch Libels were, ſince none were allowed ſo much as to read and retain them with Impunity, but were in Danger of being proceeded againſt as the ſuſpected Authors of them. The *Eccleſiaſtical Law* made the Authors and Publiſhers of all ſuch Paſquils, when detected, liable to Excommunication. For ſo the Council of *Eliberis* words it [*o*] in one of her Canons: "If any are "found to have ſcattered or diſperſed infamous "Libels in the Church, let them be anathema-"tized."

ANOTHER

[*n*] Cod. Th. Lib. 9. Tit. 34. de famoſis Libellis. Leg. 7. Famoſorum infame eſt nomen Libellorum. Ac ſi quis vel colligendos, vel legendos putaverit, ac non ſtatim Chartas igni conſumpſerit, ſciat ſe Capitali ſententia ſubjugandum.

[*o*] Conc. Eliber. can. 52. Si qui inventi fuerint Libellos Famoſos in Eccleſia ponere, anathematizentur.

Sect. 3. *Of Detraction, Whiſpering, and Backbiting.*

ANOTHER Sort of ſecret Defamation was that which was committed by the Detraction of the lurking Whiſperer and Back-biter: Againſt whoſe venomous Tongues St. *Auſtin* is ſaid to have endeavoured to guard his own Family and Converſation, by cauſing theſe two Verſes to be written upon his Table:

Quiſquis amat dictis abſentum rodere vitam,
Hanc menſam indignam noverit eſſe ſibi.

He that takes Delight in leſſening the Characters of the Abſent, is no welcome or worthy Gueſt at this Table. This he did, to admoniſh every one that came there, to abſtain from defamatory Diſcourſe and Detraction. And *Poſſidius* [p] ſays, He was ſo ſtrict and punctual in the Obſervation of this Rule, that he would ſometimes ſharply reprove his moſt familiar Acquaintance and Fellow-Biſhops for forgetting and tranſgreſſing it; telling them, That either thoſe Verſes muſt be eraſed from his Table, or he muſt withdraw and retire to his private Apartment. This was a Sort of private Diſcipline (like that of St. *Auſtin*'s Mother denying him the Privilege of ſitting at her own Table whilſt he was a *Manichee*) and it was a very proper Way of diſcouraging all Evil-ſpeaking and Detraction; but I do not find that this Crime was brought under publick Diſcipline by any general Rule of the Church. And the Reaſon might be, what St. *Jerom* obſerves, That the Sin was too general and epidemical to be publickly corrected. For there [q] are very Few that

[p] Poſſid. Vit. Aug. cap. 22. [q] Hieron. Ep. 14. ad Celantiam. Pauci admodum ſunt, qui huic vitio renuncient; raroque invenies qui ita vitam ſuam irreprehenſibilem exhibere velint,

have wholly renounced this Vice; and it is a rare Thing to find any ſo careful to make their own Life unblameable, not to be willing to find Fault with others. Yea, ſo great a Propenſity is there in Mens Minds toward this Evil, that they who are far removed from other Vices, fall into this as the laſt Snare of the Devil.

Sect. 4. *Of Railing and Reviling, or ſcurrilous and abuſive Language: And of revealing Secrets.*

BUT when this Detraction broke out into open Slander and Calumny, and eſpecially when it was attended with contumelious, bitter and reproachful Words, with Railing and Reviling, and ſcurrilous and abuſive Language; then, as it was Matter of publick Scandal, ſo it became the Subject of a publick Cenſure, For St. *Paul* puts Railers and Revilers into the Number of thoſe, who are neither fit for the Society of Men, nor the Kingdom of GOD. 1 *Cor.* v. 11. *I have written unto you, not to keep Company, if any Man that is called a Brother, be a Fornicator, or Covetous, or an Idolater, or a Railer, or a Drunkard, or an Extortioner, with ſuch an one, no not to eat.* And Again, 1 Cor. vi. 9, 10. *Be not deceived: Neither Fornicators, nor Idolaters, nor Adulterers, nor Effeminate, nor Abuſers of themſelves with Mankind, nor Thieves, nor Covetous, nor Drunkards, nor Revilers, nor Extortioners, ſhall inherit the Kingdom of God.* And therefore the Church, following this Rule, reckoned ſlanderous Railing and Scurrility among the Crimes that deſerved Eccleſiaſtical Cenſure. In ſo much that a Clergyman, who was noted for ſcurrilous and ſcoffing Language, is ordered by the Council of *Agde* [r] to

lint, ut non libenter reprehendant alienam. Tantaque hujus mali libido mentes hominum invaſit, ut etiam qui procul ab aliis vitiis receſſerunt, in iſtud tanquam in extremum Diaboli laqueum incidant.

[r] to be degraded. And the ſame Canon occurs in the fourth Council of *Carthage* [s], with ſome others of the like Nature: As if he be given to Railing [t], or revealing of Secrets to the Infamy and Diſgrace of others. Upon this latter Caſe, of defaming Men by Divulging unneceſſarily their ſecret Crimes, St. *Auſtin* [u] has a whole Diſcourſe, where he particularly ſays, That he that rebukes a Man publickly before all, when his Crime is known to none but himſelf alone, is not a Reprover, but a Betrayer. He reminds ſuch of the Example of *Joſeph*, who finding the holy Virgin to be with Child, and ſuſpecting her to be guilty of Fornication, yet being a juſt and good Man, he was minded to put her away privily, and not make her a publick Example. And he adds, That Biſhops were wont thus [x] to proceed with private Criminals in the Church. A Biſhop knows a Man to be guilty of Murder, and the Thing is known to none beſides himſelf. If in this Caſe I ſhould reprove him publickly, ſome other would take the Law upon him. Therefore I neither betray him, nor neglect him: I reprove him in ſecret, I ſet before his Eyes the Judgment of GOD, I terrify his guilty Conſcience,

[r] Conc. Agathen. can. 70. Clericum ſcurrilem & verbis turpibus joculatorem ab Officio retrahendum. [s] Conc. Carth. 4. can. 60. [t] Ibid. can. 57. Clericus maledicus, maxime in ſacerdotibus, cogatur ad poſtulandam veniam. Si noluerit, degradetur. It. can. 56. Clericus qui Adulationibus & Proditionibus vacare deprehenditur, ab Officio degradetur.

[u] Aug. Serm. 16. de Verbis Domini. T. 10. p. 29. Si ſolus noſti quia peccavit in te, & eum vis coram omnibus arguere, non es Correptor, ſed Proditor. [x] Ibid. Novit enim neſcio quem homicidam Epiſcopus, & alius illum nemo novit. Ego illum volo publice corripere, at tu quæris inſcribere. Prorſus nec prodo, nec negligo: corripio in ſecreto; pono ante oculos Dei judicium, terreo cruentam Conſcientiam, perſuadeo Pœnitentiam.

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I perſuade him to Repentance. So again, ſays he, there are ſome Men that are Adulterers in their own Houſes, they ſin ſometimes in private, and they are diſcovered to us by their own Wives, ſometimes in Zeal and Fury, ſometimes in Mercy, deſiring the Salvation of their Souls. Now in this Caſe we do not betray them openly, but rebuke them in ſecret. Where the Evil is committed, there it dies: Yet we do not neglect that Wound, but before all Things ſhew the Man that has committed ſuch a Sin, and wounded his Conſcience thereby, that his Wound is mortal. By this Diſcourſe of St. *Auſtin*, it ſeems clear, that the Church brought no private Crimes under publick Penance, except when the guilty Perſon conſented to it and required it: And to do otherwiſe was an high Crime in the Miniſter, who was charged, for any ſuch Attempt, as a Divulger of Secrets, and Betrayer of his Truſt, and one that brought an unneceſſary Defamation and Scandal upon his Brethren.

Sect. 5. *Of Lying. How far it brought Men under the Diſcipline of the Church.*

THUS far the Diſcipline of the Church proceeded againſt all defamatory and pernicious Lying. But there are ſome other Sorts of Lies, as the Ludicrous Lye, and the Officious Lye, which though culpable and ſinful in themſelves, were not ſo ſeverely purſued by Eccleſiaſtical Cenſures. *Tertullian* [*y*] reckoning up thoſe leſſer Sins which were not publickly puniſhed by Penance in the Church, puts Lying out of Modeſty, or Neceſſity, among them. And *Origen* [*z*] makes Lying one of thoſe Sins, which were incident to thoſe who had made the greateſt Proficiency in the Church. Some indeed pleaded for

[*y*] Tertul. de Pudicit. cap. 19. [*z*] Orig. Tract. 6. in Mat. p. 60. *See before*, Chap. iii. n. 14.

for Officious Lies, as not only innocent and lawful, but in ſome Caſes uſeful and neceſſary: As if it were to ſave the Life of an innocent Perſon, a Man ought in that Caſe, rather to tell a Lye, than to betray him to Death. But St. *Auſtin* diſputes againſt this Sort of Officious Lies alſo, and ſhews them to be culpable and ſinful; arguing, That a Man ought neither to betray an innocent Perſon, nor tell a Lye to ſave him, but to venture his own Life, by profeſſing roundly, That he will neither Lye for him, nor diſcover him. And he gives a rare Inſtance of this Sort of Fortitude in one *Firmus* Biſhop of *Tagaſta*, who according to what the *Greeks* call *Pheronymy*, φερωνυμία, carry'd Firmneſs in his Name [a], and Firmneſs in his Reſolution. For when one of the Heathen Emperors had ſent his Apparitors to ſearch for a certain Perſon whom he had hidden, he told them plainly, He could neither tell a Lye, nor betray the Man; and tho' they put him to the Rack, and tortured him to make him confeſs, yet he perſiſted in his Reſolution not to diſcover the Man that was fled to him for Safety and Protection. Whereupon he was carry'd before the Emperor himſelf, where he gave ſuch admirable and freſh Proofs of his Firmneſs, that the Emperor without any great Difficulty was prevailed upon to pardon the Man, whom he kept in private under his Protection. This was a ſingular Inſtance of Heroick Gallantry, rather to run the Hazard of his own Life, than tell a lie to ſave another from Deſtruction. But the Diſcipline of the Church did not run thus high, to oblige all Men to come up to this Degree of Veracity under Pain of Excommunication.

[a] Aug. de Mendacio ad Conſentium. cap. 13. Firmus Nomine, firmior Voluntate —— reſpondit quærentibus, ſe nec mentiri poſſe, nec hominem prodere; paſſuſque multa tormenta corporis permanſit in ſententia, &c.

cation. It was ſufficient to encourage Truth and Ingenuity in all Caſes, and puniſh Falſeneſs and Perfidiouſneſs in all notorious Inſtances of miſchievous Evil: But in other Caſes it was no Blemiſh to the Diſcipline of the Church to ſuffer ſome Sort of more pardonable Lying to paſs without the Animadverſion of the higheſt Cenſure, ſo long as they gave no Encouragement to it, but condemned it univerſally as a leſſer Inſtance of Tranſgreſſion. To this Purpoſe St. *Auſtin* ſays in another Place [*b*], There are two Sorts of Lies in which there is no great Fault, and yet they are not wholly without Fault, that is, when we lye in Jeſt, and when we lye for the Advantage of our Neighbour. In this latter Caſe, he thinks, a Man may honeſtly conceal the Truth by Silence, but he muſt not upon any Account ſpeak Falſe, or tell a Lye. For that will not conſiſt with the Perfection of a Chriſtian. Therefore if he would not betray a Man to Death, he muſt prepare himſelf to conceal the Truth, but not to ſpeak [*c*] Falſe; ſo as that he may neither betray the Man, nor tell a Lye; leſt he deſtroy his own Soul to preſerve the Life of another. As this ſhews the Perfection of the Chriſtian Morals, ſo it equally declares the Abatement that was made in the Diſcipline of the Church, in reference to ſuch officious Lies as were extorted from Men upon ſome extraordinary Charity; which though it did not wholly

[*b*] Aug in Pſal. 5. p. 11. Duo ſunt omnino genera mendaciorum, in quibus non eſt magna culpa: Sed tamen non ſunt ſine culpa, cum aut jocamur, aut ut proximis proſimus mentimur. [*c*] Ibid. Aliud eſt mentiri; aliud, Verum occultare: Ut ſi quis forte vel ad iſtam viſibilem mortem non vult hominem prodere, paratus eſſe debet verum occultare, non falſum dicere; ut neque prodat, neque mentiatur; ne occidat animam ſuam pro corpore alterius. Vid. Conc. Tolet. 8. can. 2. & Gratian. Cauſ. 22. Quæſt.

wholly excuſe the Sin, yet it made it ſo far tolerable, as not to incur the Severity of publick Diſcipline, but come within the Number of thoſe leſſer Sins, which did not ordinarily fall under the greater Cenſures of the Church.

IN all other Caſes, where Lying was attended with miſchievous and pernicious Effects, it was puniſhed according to the Proportion of thoſe Crimes that accompany'd it. As we have already ſeen in the Caſe of Falſe Witneſs, Libelling, Slandering, Railing and Reviling. And when it implied any Fraud, or Equivocation, or Double-dealing in Matters of Religion, it was puniſhed as Apoſtacy or Perjury, as we have ſeen in the Caſe of the *Libellatici* [*], who either deny'd their Religion in Writing, or purchaſed Libels of Security from the Magiſtrate, to excuſe them from Sacrificing; and thoſe who feigned themſelves Mad to avoid a Proſecution: Both which Sorts of Men the Church condemned as Idolaters, and as guilty by their Diſſimulation and Cowardize of betraying their holy Religion. The *Priſcillianiſts* were likewiſe infamous for this Character and abominable Practice of Equivocation. For they taught their Diſciples this baſe Art of Diſſembling, and concealing their vile Practices [*d*] by Lies and Perjury; giving them this Direction, as one of their Rules and Inſtructions in Caſes of Danger: Swear, and Forſwear, and never diſcover your Secrets. How much more laudable and commendable is the Rule given in this Caſe even by the Heathen [*e*] *Satyriſt*, which deſerves to be written

[*] Chap. iv. n. 6 & 7. [*d*] Aug. de Hæreſ. cap. 70. Propter occultandas autem contaminationes & turpitudines ſuas, habent in ſuis Dogmatibus & hæc verba, Jura, Perjura, ſecretum prodere noli. [*e*] Juvenal. Sat. 8. ver. 80. Ambiguæ ſi quando citabere teſtis, Incertæque rei, Phalaris licet imperet, ut

ten in Letters of Gold! If ever you are called to be a Witneſs in a doubtful Matter, though *Phalaris* himſelf ſhould command you to ſpeak falſe, and threaten to burn you in his Brazen Bull, unleſs you will forſwear yourſelf; in that Caſe reckon it the greateſt Villany to prefer Life before Truth and Honeſty, and for the Sake of Living to forego thoſe Things which are the only true Reaſons of Living, that is, Probity, Integrity, and a good Conſcience, for which end Men are born and ſent into the World by the Providence of GOD. This Rule is often inculcated by the Heathen Moraliſts, *Marcus Antoninus*, *Epictetus*, *Seneca* and *Plutarch*: Which made it the more reaſonable for the Chriſtians to inſiſt upon it, and puniſh the Crimes of Perjury and Falſeneſs with the ſevereſt of Eccleſiaſtical Cenſures, whenever they could plainly convict any one of being guilty of them: And when they could not, the Providence of GOD commonly interpoſed, and diſcovered and puniſhed them by ſome remarkable Divine Judgment. Of which, beſide the Caſe of *Ananias* and *Saphira* in Scripture, we have a memorable Inſtance in *Euſebius* [*f*] of Three Men who combined together in a falſe Accuſation of *Narciſſus* Biſhop of *Jeruſalem*, imprecating upon themſelves very direful Judgments, which the Providence of GOD juſtly brought upon them; of which becauſe I have given a full Relation [*] before, I need ſay no more in this Place.

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ut ſis Falſus, & admoto dictet perjuria tauro; ſummum crede nefas amimam præferre pudori, & propter vitam vivendi perdere cauſas. [*f*] Euſeb. Lib. 6. cap. 9. [*] Chap. vii. n. 8.

CHAP.

CHAP. XIV.

Of great Tranſgreſſions againſt the Tenth Commandment, Envy, Covetouſneſs, &c.

Sect. 1. *Whether Envy brought Men under the Diſcipline of the Church.*

THERE is but little to be obſerved in the Ancient Diſcipline of the Church concerning the Tranſgreſſions againſt this Commandment: Becauſe though ſome of them were great Crimes, yet they were ſuch as chiefly conſiſted in the internal Corruptions of the Mind; and the Church could take no Notice of them, till they firſt diſcovered themſelves in ſome outward Actions. Envy was a Crime of that Nature: It was always reckoned a diabolical Sin, and one of the firſt Magnitude: But yet before it could bring a Man under Publick Diſcipline, the inward Rancour of the Heart muſt betray itſelf in ſome outward, apparent, and viſible Action. In this Senſe we are to underſtand St. *Chryſoſtom* [*a*], when he ſays, The envious Man ought to be caſt out of the Church as well as the Fornicator, to preſerve others from the Contagion and Poiſon of his Example. That is, when Envy ſhews itſelf in any of thoſe miſchievous Effects, which naturally ariſe from it, and turn to the apparent Detriment of Men or Religion. For as *Cyprian* obſerves [*b*], Envy is a very prolifick Vice, multiplying itſelf into various Shapes and Figures: It is the Root of all Evils, the Fountain of Deſtruction, the Seminary of Sins, and the Matter of all Offences. Hence proceeds Hatred, hence Animoſity

[*a*] Chryſ. Hom. 41. in Mat. p. 383. [*b*] Cypr. de Zelo & Livore. p. 223.

ty ariſes. Envy inflames Covetouſneſs, making a Man not to be Content with his own, whilſt he ſees another Richer than himſelf. Envy excites Ambition, whilſt a Man ſees another in greater Honour than himſelf: Envy blinds our Senſes, and reduces the interior Faculties of the Soul under its Power and Dominion. Then the Fear of GOD is ſlighted, the Precepts of CHRIST are neglected, the Day of Judgment is not thought of. It puffs us up with Pride, it embitters us with Cruelty, makes us prevaricate with Perfidiouſneſs, ſhocks us with Impatience, inrages us with Diſcord, inflames us with Anger; and a Man cannot contain or govern himſelf, who is now under the Power of another. By this means the Bond of Divine Peace is broken, brotherly Charity is violated, Truth adulterated, Unity divided, and Hereſies and Schiſms take their Original; whilſt Men diſparage the Prieſts, and envy the Biſhops, and every one complains that he himſelf was not ordained, or takes it in Dudgeon that another was preferred before him. When Envy was attended with any ſuch Effects as theſe, then it fell under the Cognizance of Publick Diſcipline; not as it was an inward Corruption of the Mind, but as it diſcovered itſelf in ſome outward and vicious Action, as open Diſſenſion, or Hereſy, or Schiſm, or the Breach of Unity and Peace, Eccleſiaſtical or Civil: Which Crimes being the Subject of Church-Cenſure, ſo far as Envy was concerned in any of them, ſo far it might be ſaid to be puniſhed by the Publick Diſcipline of the Church, but no otherwiſe, for want of ſufficient Ground to proceed in a legal Way of Evidence againſt it. But yet this bitter Root gave but too many Occaſions to the Church to puniſh it in other Species; being one of thoſe Sins that could not contain itſelf or long lie hid, having a Train of other Vices commonly attending

tending it, according to the Obſervation made by *Cyprian*, and long before by St. *James*; *For where Envying and Strife is, there is Confuſion and every evil Work.*

Sect. 2. *Of Pride, Ambition, and Vain-glory.*

The like is to be obſerved of Pride, Ambition and Vain-glory. Theſe were great Sins in their own Nature; But being internal and ſpiritual Sins in their Kind, the Diſcipline of the Church could take no Notice of them, till they diſcovered themſelves in ſome enormous, outward vicious Actions. As when Pride drew Men into Blaſphemy againſt God, or Oppreſſion of Men; when Ambition or Vain-glory made Men factious and turbulent in the Church, and puſhed them forward into open Hereſy or Schiſm: Then was the proper Time for the Church to take her ſpiritual Sword into her Hand, and make uſe of her Cenſures for their Correction. Thus we have ſeen the Pride of *Andronicus* corrected by *Syneſius* Biſhop of *Ptolemais* [*c*], when it brake forth into open Blaſphemy againſt Christ: And thus all along Hereticks and Schiſmaticks found their Puniſhment, when their Ambition and reſtleſs Spirit proceeded ſo far, as to make ſome open Breach upon the Faith or Unity of the Church. But in theſe Caſes, Pride was rather puniſhed in other Species of Sin, Blaſphemy, Hereſy or Schiſm; for the Cenſure of which the Reader muſt look back into the former Parts of this Book.

Sect. 3. *Of Covetouſneſs.*

The ſame Obſervation is to be carry'd farther, and made upon Covetouſneſs, which is another of thoſe Three great Luſts that reign in the World, the Luſt of the Heart, the Luſt of the

[*c*] Syneſ. Ep. 58. *See* Chap. n. 6 & 8.

the Eye, and the Pride of Life. Covetouſneſs, which is the Luſt of the Eye, is always a very great Sin before GOD; being, as the Apoſtle terms it, *Idolatry, and the Root of all Evil*; and even when it is only conceived in the Mind, it makes a Man odious to his Maker. But becauſe GOD ſees not, as Man ſees: For GOD looks upon the Heart: Therefore before Covetouſneſs can render a Man a proper Object of the Church's Diſcipline, it muſt diſcover itſelf in ſome viſible Act of Injuſtice, as Theft, Oppreſſion, or Fraud, under which Appearances, but not otherwiſe, it was liable to the Church's Judgment and Cenſure. And this is what *Gregory Nyſſen* [*d*] obſerves, That among all the Species of Covetouſneſs none were expiated by ſolemn Penance, but ſuch as Theft and Violation of Graves, that is, ſuch Inſtances of Covetouſneſs as manifeſted themſelves in ſome outward and apparent evil Action.

Sect. 4. *Of Carnal Luſts.*

AND the like is to be ſaid of the Luſt of the Heart, or carnal Luſts, and Sins of Uncleanneſs. Though the evil Thoughts and Intentions of the Heart are ſinful before GOD in general; *For if I regard Iniquity in my Heart, the Lord will not hear me*: And though in particular, *He that looks on a Woman to luſt after her, hath committed Adultery with her already in his Heart*; yet this was not puniſhable in the Diſcipline of the Church: Becauſe the Church is no Judge of the ſecret Intentions, but only of the outward and viſible Actions, that carry Scandal as well as Sin in them. Therefore we have obſerved before [*] out of the Council of *Neocæſarea* [*e*], That no one was to be excommunicated

[*d*] Nyſſen. Ep. ad Letoium.
[*e*] Conc. Neocæſar. can. 4.
[*] Chap. iii. n. 17.

nicated for Sins only in Deſign and Intention. If a Man purpoſe in his Heart to commit Fornication with a Woman, but his Luſt proceed not into Action, it is apparent he is delivered by Grace, ſays the Canon. And therefore though he was culpable before GOD, yet the Church inflicted not the Cenſure of Excommunication on him, becauſe her Diſcipline extended not to Mens private Thoughts, but only to their outward Actions. And this was the Caſe of all Tranſgreſſions that were purely againſt this Command: They might be puniſhed under other Species of Sin, but not as they were only Sins of the Heart, becauſe, as ſuch, human Judicature could take no Cognizance of them.

We have now gone through the ſeveral Branches of Duty and Tranſgreſſion, and therein taken a full View of the Extent of the Diſcipline of the Church: Whereby it appears that the Objects of Eccleſiaſtical Diſcipline were not only the Three great Sins of Idolatry, Adultery, and Murder, but all other Crimes that come under the Denomination of ſcandalous and great Tranſgreſſions. And thus far the Diſcipline of the Church related to all Perſons in general, but there were ſome Puniſhments peculiar to Delinquent Clergymen, which becauſe they are Matter of particular Enquiry, I ſhall make them the Subject of the following Book.

FINIS.



ERRATA.

VOL. VII. Page 155. *for* formerly, *r.* formally. p. 169. *for* Do *no* more harm, *r.* Do more harm. *p.* 187. *for* who raſhly judged, *r.* who *is* raſhly judged. *p.* 237. *for* Compilers, *r.* Compliers. *p.* 302. *for* Reigion, *r.* Religion.

Vol. VIII. *Page* 2. *r.* When for any ſuch. *p.* 86. *r.* Not only the Biſhop ſo ordained, was to be depoſed, but the Biſhops who preſumed to give him ſuch Ordination. *p.* 113. *for* Relation, *r.* Relaxation. *p.* 210. *for* little, *r.* like.